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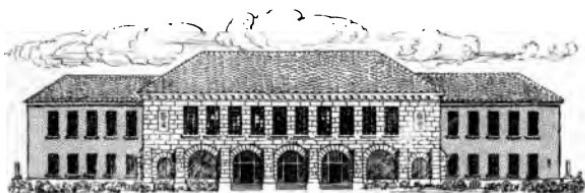
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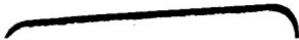
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# THE GOVERNMENT

WHAT IT IS  
WHAT IT DOES

BY

SALTER STORRS CLARK

REVISER OF YOUNG'S GOVERNMENT CLASS-BOOK, AUTHOR OF CLARK'S  
COMMERCIAL LAW.



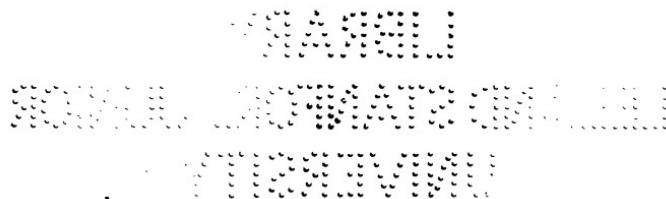
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CLARK'S GOVERNMENT.

W. P. I.

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# THE GOVERNMENT

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## CHAPTER ONE

### PURPOSE AND PLAN OF THE BOOK



**The Purpose** of this book is twofold : to show the practical part which modern government takes in everyday life ; and to teach the meaning and value of that which is at once the birthright, the best achievement, and the destiny of the United States — government by the people.

**Government Progressive.** — The science of government is not like the science of geometry, the same forever ; but it changes and grows from age to age, even from year to year. The civilized governments of our day busy themselves on many more lines than those of former ages. The power of government over the governed has greatly increased. The basis of government has changed, in some parts of the world, from force, to the consent of the governed. Other changes are coming in the future, for there are many problems still unsolved.

**Enthusiasm for Our Own Institutions.** — Of all the countries in the world, the United States has the widest

and deepest spirit of enthusiasm for its own institutions. By this I do not mean patriotism, for that runs warm in every blood; but the abiding belief, which practically all Americans have, that our system of government is the best in the world; the proud feeling which is reflected in the name of that great statue in New York harbor, ‘Liberty enlightening the World.’ Democrats and Republicans criticise each other’s acts; but neither of them would change the system in its fundamental features; there is no one but believes that government by the people is the best kind of government for the people.

There is nothing like this among the masses of any other nation. In Asia the people submit without thought; to them the government is simply something inevitable, like poverty or pain. In many of the great countries of Europe there are large numbers of people who hate the established system, or desire independence; like the Nihilists of Russia, the Royalists of France, or the Irish of Great Britain.

And I think we are right in believing that, on the whole, we live under the best government in the world, and for that reason (among others) are the happiest people on earth.

**But No Government is Perfect.**—The science of government is too large and intricate a subject for the whole of the truth to be in one place. There are some lessons for us to learn, even in self-government, across the ocean. There are some respects in which some European countries are better governed than ours. Do not let us make the mistake which arrested civilization in China; namely, that of complete self-satisfaction. The motto of New York state is better, ‘Excelsior.’

**Plan of This Book.**—What is government? Who is The Government? We shall begin by considering the American answers to these questions.

What does The Government do? That will be our next inquiry. And with regard to the ordinary practical work of government, we shall see that government in the United States is not very different from government in the other civilized countries of the world.

Then we shall inquire how government officials are chosen in the United States, and how the work of government is parceled out among them. This part of the book will show what is meant by self-government and local self-government, and will show that our system differs from European systems chiefly in these very matters of self-government and local self-government.

Coming then to the details of our subject, we shall consider the names and duties of the principal officials in the United States; first, those of the township, county, and city, then those of the state, and then those of the federal government.

Finally we shall examine certain operations in the American system, such as a trial in court, and nominations for office, and conclude with an outline of international relations, and a summary of the commonest laws of business and property.

#### SUPPLEMENTARY WORK

These questions, at the ends of chapters, are intended as incentives to thought and research; laboratory work, as the phrase is. The answers will not generally be found in the book; but the intention is not to require research beyond the mind of the student, the encyclopædia, dictionary, or other books likely to be found in most

## INTRODUCTORY

families or schools, or the common knowledge of the locality. The teacher will use them, and others which may be prepared, with discretion.

1. Give the history of the statue of Liberty in New York harbor. What does its uplifted torch mean? Why is New York harbor a specially appropriate place for it?

2. What is the coat of arms of your state? What is there on it appropriate to the state? What is the meaning of the motto on it?

3. What is the difference between patriotism and spread-eagelism (chauvinism)? 'My country right or wrong'; is it right to take that position?

## CHAPTER TWO

### **WHAT GOVERNMENT MEANS**

**Government** is the doing of public work. Forget for a moment the division of the country into states, counties, cities, etc. Think of the people simply as so many men, women, and children, forming one great, united group, a Nation. Now every one of these individuals has his private affairs. The merchant, the farmer, the clerk, the laborer, has his own work, which he does for his own benefit, the expense of which he pays, and the profit from which goes into his own pocket. But there are also things to be done, in a civilized land, for the common good of all; such as roads to be made, robbers to be caught, laws to be made, taxes to be collected, and sometimes war to be waged. And so the community as a whole causes them to be done, at the common expense. This is public work, the people's work. The duty of doing the public work is laid upon certain persons, who are selected from the inhabitants, and given the power and means needed. Their positions are called 'offices'; they are called 'public officials' or 'officeholders.'

But perhaps you will say that a postmaster distributing letters, or a township treasurer keeping township accounts, does not seem to be governing anybody, although he is a public official doing government work. And if you will consult the dictionary you will find 'govern' defined as 'to exercise authority.' The truth is that the verb 'gov-

ern' does not include so much as the noun or adjective 'government.' I speak of these words to call attention to the two kinds of government work : one, which consists of exercising authority, is such work as lawmaking, arresting, and judging ; and the other, which is just like private work, and becomes government work only because the government does it, is such work as school-teaching and carrying the mail. In general, the first kind has always belonged to government since man emerged from savagery, but the second was taken up by government later.

**Service, Not Honor,** is the purpose of office. Whatever the kind of work done by the people's agent ; whether it be exercising authority, or supplying some public convenience; whether intellectual, as that of a governor or judge, or wholly physical, like roadmaking ; the work to be done is the purpose of his office. The president in the White House and the policeman on his beat are alike servants of the people ; and not masters. As Jefferson said, our government is *for* the people ; as another said, public office is a public trust.

**Officials Under the Law.**—In all despotic countries, and largely in Europe still, officeholders are looked upon as put over the people, and so high up that no one may complain even if they overstep the limits of what they are set to do. But in this country the officeholder has a certain sphere of duties, and outside of it he is just like any one else, a private citizen. The president himself may not (in time of peace) order you arrested, nor set foot inside your door without your permission. If a policeman arrests you maliciously and without cause, you may sue him. A president who should commit murder — if we may imagine such a case — would be hanged.

**Officials Independent.**— Public officials are in general independent of one another. Each one takes his orders from the people directly, and not from some higher official. They are not like an army, where the private takes his orders from the captain, the captain from the colonel, and the colonel from the general ; but like an orchestra, where each performer looks directly to the leader. Thus, the president can not control governors of states ; Congress can not overrule state legislatures; governors may not direct mayors what to do ; and so on, down to the least. The dog-catcher is as independent in his duties as the highest official. It is important that this should be remembered as the general principle.

What then is a high office ? Merely this : one which stands high in honor and in the importance of its duties. The office of president is the highest in the country, not at all because the president commands the host of public officials, but because he has such important powers, and because the honor is so much desired.

**Reigning or Ruling.**— There is no reigning or ruling here, except by The People and The Law. The two words ‘reign’ and ‘ruler’ are, or should be, foreigners in the United States. They came to us from the past, and across the ocean. Without going deeply into their shades of meaning, we may say that they present to the mind the idea of absolute, supreme power, as in ‘God rules the universe’ ; the idea that the ruler is above the law, and is controlled by nothing but his own will. In this country there is no person, or group of persons, with absolute power (sovereignty, as it is called), except ‘We, the people of the United States.’ It is not proper to speak of the president as ruler of the nation, though foreigners, imagining him a

kind of king, sometimes do. Even prior to the Revolution, there was little ruling here. The Declaration of Independence sounds much more like men discharging a bad agent, than subjects throwing off the yoke of a sovereign.<sup>1</sup>

The People are our only rulers: their mandates consist of a vast system of constitutions, statutes, and customary law, which, all taken together, we call 'the law.' Hence the phrase, 'the law reigns.' But the law can not reign unless it is respected. There is no country in the world where the law is held in such high respect as in the United States; no country where, on the whole, government accomplishes so much with so little use of physical compulsion.

Formerly all government belonged to the king. The people took no share in it, and gave no thought to it. The taxgatherer gathered 'the king's taxes'; the constable, when making an arrest, said, 'in the king's name'; roads were 'king's highways,' because he made them. Though there was law, the king was above it. The officials, who were the king's servants, were above it too, for if the king told them or allowed them to do certain things, his bidding was the supreme law. The king did as much or as little government work as he chose.

The other idea, so fundamentally different, that government is the people's work, and public officials, from high to low, only their servants, is new in modern history. It is

<sup>1</sup> For instance, where it says,

'We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; . . . that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it. . . . The history of the present king of Great Britain is a history of repeated injuries and usurpations. . . . A prince, whose character is thus marked . . . is unfit to be the ruler of a free people.'

only about two hundred years since Louis XIV. of France said ‘*L'état, c'est moi*’ (*I am the State*) ; and he meant it.

In those days it was thought, by king and people alike, that the right to govern came directly from God : the divine right of kings, as it was called. It is hard for people who have always governed themselves, as we have, to understand that belief ; but it has been a very powerful factor in all monarchies. It rules Asia and Africa now ; it is still strong in eastern Europe. If you will look at an English penny, you will see the inscription ‘Victoria Dei Gra. Britt. Regina,’ which means ‘Victoria by the grace of God Queen of Britain.’ The English do not believe now that God’s grace alone selects their king, but they did when they first put the king’s head on their coins.

#### SUPPLEMENTARY WORK

1. Consult the dictionary (some large one), and explain the derivation and meaning of the word ‘commonwealth,’ as connected with the idea of government. Perhaps you can add a sentence or two to the first paragraph of this chapter, bringing in the word and its meaning.
2. To which of the two kinds of government mentioned in the second paragraph of this chapter does family government belong?
3. Why is it not proper to call the president the ruler of the United States? Which rules ultimately, the people or the law? Why?
4. Who wrote the Declaration of Independence? What clauses in it deny the divine right of kings? How was it that a people who up to that time had lived under a king, could use such words?

## CHAPTER THREE

### WHO COMPOSE THE GOVERNMENT

The Government is composed of the civil officials, their assistants, and the military. The term civil government includes all government work but war-making : in that distant future age when there shall be no war-making and no military, civil government will still be necessary. There are two classes of those who do the civil public work : (1) the officials, i.e. those who are elected or appointed to office, and (2) their assistants, clerks, laborers, etc.

**Names of Officials.** — In our country there are hundreds of civil offices, each with its appropriate name and its parcel of public work attached. We can not learn the names of all the officials, nor is it necessary to do so. A list of seventeen will give us the foundation stones of the whole fabric. You have probably heard of them all, and know something of their work, for American youth do not reach fifteen years of age without knowing more about government matters (i.e. politics) than the ordinary uneducated man in a foreign country.

### A LIST OF THE PRINCIPAL KINDS OF CIVIL OFFICIALS IN THE UNITED STATES.

- (1) *Police, sheriffs* (who keep the public peace).
- (2) *Township trustees, county commissioners, mayors, governors, the president of the United States*

(the principal officials respectively of townships, counties, cities, states, and nation).

- (3) *School trustees, highway commissioners, overseers of the poor, postmasters, tax collectors* (who care for public schools, roads, paupers, and the mail, and collect the taxes, respectively).
- (4) *Ambassadors* (who represent the nation in foreign countries).
- (5) *Judges* (who try persons accused of crime, and decide lawsuits).
- (6) *Members of legislatures, members of Congress, members of city councils* (who make laws).

Perhaps in the above list you fail to find the very name you are most familiar with. That may be because in your state the corresponding official has another name; for instance, selectman and supervisor correspond in some degree to township trustee and county commissioner respectively. The names of township and county officials and the work they do vary a good deal from state to state.

**Clerks and Assistants.**—A postmaster in a country village may find time to do all the work with his own hands, and run a store besides; while the postmaster of a large city not only must employ all his own time, but must have perhaps five hundred letter carriers to help him do but one part of it. There are some departments in Washington having hundreds of clerks under one official. And so, connected with our host of officials, is another host, consisting of clerks, laborers, and various employees, all helping to do the public work, and in that sense a part of the government. But note this: while the official has an official name and finds his duties described in the law, the

assistant has in general no official name, and is directly under the control of the official, doing what he is hired to do.

**Number.**—It is difficult to estimate the number of public officials in the United States. Counting those of all kinds, and of township, county, city, state, and nation, there must be over a million. Of their assistants there may be two or three millions. Thus, the two classes together make an army ten times as large as all our regular army and organized militia.

But do not think of the public officials as an army; for an army becomes a distinct class, with class ideas and ways of life, and perhaps with purposes of its own; while it is a fundamental aim of our democracy that the public officials shall not form a class set apart from the people. So, the farmer who happens to be highway commissioner for his township, attends to the roads when they need it, and works his farm during the rest of the time. So, the president, when his four years' term is over, may become an active lawyer or merchant again.

**Groups.**—So far we have considered the government as one body of public officials, including them all. But we frequently see such phrases as these: the Government of the United States, the Government of Connecticut, the Government of Salisbury (a town in that state). What are they? They are merely groups of those officials whose duties relate to the territories named. Thus the Government of Salisbury means certain individuals (its selectmen, etc.) whose duties relate to that town; the Government of Connecticut consists of certain other individuals (the governor, legislature, etc.) whose duties relate to the whole state of Connecticut; and the Government of the United

States means still other individuals (the president, Congress, etc.) whose duties relate to the whole United States.

It is easy to see that two state governments or two city governments, having different territory and different people to govern, can not clash; but how can I obey the authorities of Salisbury, of Connecticut, and of the United States, at the same time? The answer is simple: they do not give orders on the same subjects. The whole work of government in that town is parceled out; the town does a certain part, the state another, and the United States a third.

#### SUPPLEMENTARY WORK

1. Count the public officials living in your town. Do they devote all their time to their public duties, or have they a private business besides?
2. How many governments do you live under?

## CHAPTER FOUR

### THE TOOLS OF GOVERNMENT



**The Principal Tools of government** are buildings, guns, and money.

**The Buildings** are of various kinds. First, there are prisons, jails, and police stations: imprisonment has been one of the means of government from the beginning. Then there are statehouses, courthouses, and city halls: halls of deliberation, we may call them, where legislatures and courts assemble and de-

bate, protected from intrusion, and in an orderly manner. The citizen assemblies of Rome and Greece used to meet in the open air; open-air meetings, for certain simple kinds of public business, occur even now, in some parts of Europe. But even if our climate allowed it, we could not carry on, without buildings, such elaborate proceedings as those of legislatures or courts. Then there are schoolhouses, poorhouses, asylums, hospitals, post offices, and other buildings, for various kinds of public work. And, finally, we have a very different kind of building, the

fort, and his consort the war ship ; with their furniture of cannon.

Government buildings serve another purpose, beyond that of shelter and the convenient doing of business. They are the ever-present symbol of the strength and authority of government; as were the crown and scepter to a king. The high public official, especially in cities, is known only to a few ; and when known, he is only a man, looking just like the rest of us, and does not even wear a uniform. But we all know the city hall or courthouse, and we all feel that it is a part of the government over us, though only a thing of stone. This is one reason why such buildings are frequently made ornate and magnificent : a good reason. One can not visit Washington and see its Capitol and its Monument — two of the finest structures in the world — without a new respect for The Law.

**The Gun** we are most familiar with as the thing with which the nation fights other nations ; but it has another use, namely, to help the government in carrying out the laws. The soldier is the final support of every government, the last resource when all other authority fails. In ordinary times the civil authorities have power enough to keep order and carry out the laws ; but there is no country that does not need a stronger force now and then, to quell riots or put down rebellion. Not a year passes that some one of our states is not obliged to call out its militia. A government which had no soldiers to call upon in an emergency, would not last long.

**Money** is of no use in itself to a government, any more than it is to a man. But it is the tool which supplies all the other tools, and the men to work them. Modern

governments do not drive their citizens to work for them without pay, under taskmasters, as Pharaoh did the Israelites ; but, under ordinary circumstances, buys and pays for all it gets, whether labor or goods. A government which does not get a regular supply of money, finds itself without power to compel anybody to do anything.

#### SUPPLEMENTARY WORK

1. Enumerate the buildings, in your town or county, which are government buildings. Where does the legislature of your state meet? Give fuller reasons than are given in the text why the legislature could not meet in the open air. What was the place called, in ancient Rome, where open-air assemblies were held?
2. Give reasons why policemen should wear uniforms. Why do not the same reasons apply to other public officials; the governor, for instance? Do the same reasons apply to soldiers?
3. State the latest occasion you know of, when the militia was called out (in any state); and the result of it.
4. Why should governments pay for what they need, instead of taking without payment?

## CHAPTER FIVE

### TEN THINGS DONE BY GOVERNMENT

**The Ten.**— If we sum up the things done by government into ten, we shall not leave out many :

- It keeps *order* in the community ; by preventing and quelling public disturbance and punishing crime.
- It makes *laws*.
- It protects the *rights* of individuals ; by deciding lawsuits and granting remedies for wrongs done.
- It provides free public *schools* for children.
- It lays out new *roads*, and repairs old ones.
- It gives help to the *destitute* ; in poorhouses, hospitals, and asylums.
- It transports and distributes the *mail*.
- It represents the nation in all dealings with *other nations*.
- It makes *war* ; deciding when war shall be made, making armies and navies, and managing the operations of the war.
- It collects *taxes*.

We shall find other things which government does, but these are its ten great functions, applicable throughout the country.

**Comparative Importance.**— But it is well for us, at the very beginning, to get an idea of the comparative impor-

tance of these ten things. This may be represented in type, in a rough way :

## KEEPING ORDER.

### MAKING LAW.

PROTECTING INDIVIDUAL RIGHTS.

PROVIDING PUBLIC SCHOOLS.

PROVIDING AND MENDING ROADS.

CARING FOR THE DESTITUTE.

CARRYING THE MAIL.

MANAGING FOREIGN RELATIONS.

### MAKING WAR.

### COLLECTING TAXES.

Keeping the community orderly, I reckon as of the first importance, even above lawmaking. By lawmaking I do not mean the existence of law — for law is absolutely necessary to order — but the work that legislatures are at, which in fact may be more properly described as law-changing, as we shall see. Then follow two groups, with the three of each group in similar type, because there may be a difference of opinion as to which is the most important among them. The last two, war and taxes, are peculiar. History gives us a wrong impression about war, as if governments did little else. In fact, a country may go half a century without any war ; and then one may arise whose management is even more important than the keeping of order. Taxation, too, in a sense, is the most important of all, for it is the support of all. Order is the breath of life to the body politic ; war is its medicine,

seldom needed, but when needed the only thing that will do ; taxes are its daily food.

It is a general rule, that the more civilized a nation is, the more it does along the lines of the first eight of these things ; the less civilized it is, the more war it wages, and the heavier is its taxation.

There are two questions which suggest themselves here. The first is, Why are these ten things necessary to a civilized community ? the other, Can they not be done in any other way than by means of a government ? The following chapters will, I hope, answer these questions ; and, in doing so, make it clear that government is absolutely necessary to any degree of civilization : without government a people would descend into barbarism.

## CHAPTER SIX

### KEEPING ORDER



**Kinds of Disorder.** — Maintaining order means preventing violence and crime. There are all grades of disorder. The worst is tribal war, as among the American Indians three hundred years ago. Brigandage, which is robbery by bands, still exists to some extent in eastern and southern Europe. Riots may occur at any time in any

country. These three, tribal war, brigandage, and rioting, we may call organized disorder, that is, disorder by gangs.

But keeping order means more than preventing disorder by gangs. It means, as well, preventing crimes by separate individuals, such as murder, robbery, assault, and arson ; for all crime is disorder. If individual crime is general, it produces as bad a state of affairs as disorder by gangs ; in fact one always tends to produce the other. Government aims to prevent all crime, but no government will be able to reach that point of perfection until human nature has changed. Some governments, however, accomplish far more than others.

Order does not mean equality. Do not confound the

two. There may be order in a despotism, as in Russia. A country may have a part of its population in slavery to the rest, and yet be orderly, as in our southern states prior to 1861. On the other hand, the people may be all equal, and yet without order, as was the case among the northern barbarians who overran southern and western Europe during the early centuries of the Christian era.

**Countries Compared.** — No country stands higher, as to order, than the United States; but much of Europe equals us in this respect. A man or woman can travel all over this country, and almost everywhere in Europe, with the feeling of almost perfect security. One may own property which he never sees, situated thousands of miles away, and yet feel as sure of keeping it as if it were coin in his pocket. And so accustomed are we to this state of things, that we find it hard to conceive of any other. And we may be tempted to wonder, sometimes, whether good government is the cause.

But let us look at a country at the other end of the scale, central Africa. That will show, by contrast, what it is to be without a government to repress violence. Central Africa is divided among hundreds of tribes, having no connection with one another. Wars between the tribes are incessant; and these wars often mean the butchery or slavery of men, women, and children. In the tribe itself, a hundred murders occur to one occurring among the same number of people in civilization; while theft is so common that it is not generally counted wrong. The savage lives in continual fear of bodily injury, and will not allow a stranger to come within striking distance.

And savages have no government, such as we call government. Tribes have chiefs: some chiefs are abso-

lute masters of all the members of the tribe, may kill them or sell them for slaves ; but a chief does nothing to keep what we call order, in the tribe. He seldom punishes crime, unless it be a crime against himself. The savage feels that his only protection is his own right hand.

The greater part of the world is, even now, in a state halfway between that of central Africa and that of Europe or the United States, in the matter of order. Highway robbery is so common in many parts of Asia that all travelers go armed, or in caravans conducted by armed guards. In most of South America, or even Mexico, it is unsafe to travel unarmed off the railroad.

**Formerly.**—The civilized world, as a whole, was never so orderly as now. Five hundred years ago in England, sixteen times as many murders occurred as now. Bands of robbers, sometimes with well-known leaders — who were often popular heroes, like Robin Hood — existed in every country. Earlier, robber barons had their strong castles, from which they went forth with little armies of their own, to make private war on neighboring barons, or to capture some rich traveler and hold him for a ransom. The stories of the Arabian Nights, in which the people always dread to be shut outside the city gates at night, and travelers are stripped of their goods and even their clothing, show what was the condition of affairs in the East, then the most civilized part of the world. The governments of those days were not strong enough to keep order outside the cities : with us the country is safer than the city.

Going still further back, the condition of the Bible lands in olden times must have been as bad or even worse. Joseph's brethren could not have sold him into slavery if there had been a strong government there to protect

him.<sup>1</sup> The Romans, in their time, did more to maintain order than any people had done before; but nevertheless robbers infested every road, and pirates covered the Mediterranean.

**Public Disturbance.** — Government keeps order, first, by stopping public disturbance. This is called ‘keeping the peace’; and the officers charged with the duty are the police in cities, and in the country the sheriff and constable. There are a hundred ways by which government lays its restraining hand, the police, on the elements of public disorder. The police put down riots, stop fights, attend meetings where disorder is feared (even church meetings if necessary), break up street crowds which threaten to become disorderly, and remove from the streets any one creating disturbance, even if the disturbance be only the noisy demonstrations of a drunken man.

When riots have gone so far as to be beyond the power of the sheriff or police, the military is called out to help. The sheriff, or the mayor, calls upon the governor of the state, and the governor calls out the militia and sends them where they are needed.

**Punishment of Crime.** — Government keeps order, second, by the punishment of crime. It is the duty of the police and sheriff to anticipate and prevent individual crime whenever they can; but crime is stealthy, and avoids especially the policeman. And so, sometimes all that government can do is to punish the criminal after the crime; in order to prevent a repetition of the offense by him or another. For this purpose, criminal courts and jailers exist. The word ‘punishment’ in connection with

<sup>1</sup> The Bible history throws light, in many aspects, upon the subject of government among primitive peoples.

this subject conveys a slightly wrong idea. Human governments do not take the place of God, to deal out to men their deserts. The purpose of punishment is purely public and practical, to make living safe.

Nor can any orderly community allow any one but the government to inflict the punishment. In primitive times a relative of a murdered man was allowed to kill the murderer. He was called the 'avenger of blood.' But now, in all civilized countries, all punishing belongs to the government. Lynching is murder. If lynching were the rule among us, and not (as it is) the extraordinary exception, this country would be a country of lawlessness.

**Arrest.** — Government keeps order, third, by arrest. The policeman carries three weapons : the pistol, the club, and the power of arrest. Arrest is not intended as a part of the punishment, but merely as a means of securing the person, so that he may be punished if guilty. Yet it is practically the most useful weapon possessed by the government, with which to keep order. It has an edge of its own ; yes, it is two-edged : every one dreads to be deprived of his liberty, even for a few days or hours, and nearly every one dreads the disgrace. Even if there were no trial and imprisonment to follow, the fear of arrest for even a day would keep many from crime.

But, you may say, is not arrest unjust to one who turns out to be innocent ? Yes, very. The government gives him no compensation for the mistake. Many people will remember his arrest, and forget his acquittal. The disgrace of an arrest is a hard thing to shake off. But there seems to be no help for it. The power of arrest is so useful to the community that the innocent must bear their misfortune. Perhaps wise legislators will find some

remedy for this later on : it is one of the problems of government.

After all, you and I need not worry for ourselves. There is little danger for the really innocent in these days, and in this country. The arresting officers make very few mistakes. The great majority of people go through life without ever being arrested. Of those who are arrested, 95 per cent (or more) are guilty ; or, if they are not guilty of the particular offense for which they are arrested, they are habitual criminals whom it warns and chastens to feel the government sting now and then.

**Criminal Class.** — But perhaps you live in some village, say in Massachusetts, or Tennessee, or Kansas ; a village of forty or fifty houses ; where there are no watchmen, nor need of any, and the bolts on the doors are unused. Theft occurs there seldom ; robbery is all but unknown ; and a murder, happening perhaps once in twenty years, sends a shudder through all the countryside. There are thousands of such villages in our country and all over Europe. Surely, you will say, it is not government nor the law which keeps those people from murdering and robbing one another : they are incapable of it. Yes, that is so, as to most of them. The forces working for civilization have brought them almost — not quite — to the point where government has nothing to do in the maintaining of order : order is maintained by the force of public sentiment.

But look at the city of a hundred thousand, fifty miles from that quiet village. The vast majority of its inhabitants too, both rich and poor, are honest and peaceful. But among the hundred thousand are perhaps a thousand habitual criminals ; men and women whose parents were criminals, who do not expect and do not want to be anything

but criminals themselves. From childhood they are thieves and fighters. They live by cheating and robbery, and most of them are ready for murder at any time. Half of the convicts in state's prison come from that class. To be sure, their life is a life of poverty and hardship greater than if they were honest ; though perhaps they do not know it.

It is the criminal class, existing in every city, which makes the police necessary ; while the country districts need no such protection. The police patrol the streets day and night, to watch, and to be near at hand when wanted. A large part of the criminal class is known to them by sight. Photographs of habitual criminals are taken, and placed in the 'Rogues' Gallery' at police headquarters. Their homes and haunts are visited. And so, in many different ways, the police carry on an unceasing warfare with these enemies of society. A force of one hundred police can hold in check a thousand criminals ; because the police are all working together, as an army, while the criminals act each for himself. Cities have always required police. Twenty-five hundred years ago, there were, we are told, 'watchmen who go about the city.'

The chief danger from the criminal class comes in times of public disturbance, for then the criminals get together. That is why it is so necessary to quell disturbance in city streets. They are in every mob of rioters ; they are in every crowd. Whatever the original cause of the disturbance, it spreads rapidly, and (perhaps in an hour) turns to crime ; and very frequently those who took part in the beginning without any bad purpose, find themselves carried along with the rush into the worst deeds. In

1863, in the city of New York, some street riots, caused by the drafting of men to go to the war, developed in a day into the burning of houses, plundering, and murder ; so that for three days it was dangerous for any one to go upon the streets. In a crowd, if you and I wish to be good citizens, we will obey instantly and cheerfully the policeman's command to 'move on.'

Strikes are lawful. Workmen have a right to throw up their work when they choose, if they choose : that is a part of personal liberty. But when they begin to destroy property, and use violence against others, they are making themselves the enemies of all society, order, and government. They are simply giving the criminal class its chance.

**Moral Effect.** — But the chief effect of government's maintaining order is moral. The policeman's uniform and the prison have an unseen influence, extending far beyond the actual enemies of society. Just above the criminal class is another, twice — perhaps many times — as large, of people who would be criminals if they dared. The mere existence of a watchful and active police prevents ten crimes to one that is committed. It is this moral effect which gives value to the police and criminal laws, in spite of the many crimes that go undiscovered and unpunished.

But does the moral influence stop with the criminals and the criminal cowards ? No : it has still greater work to do. It includes every one ; it takes in the peaceful villages ; it extends to the borders of society. At the bottom of every heart is a consciousness of government, and of things forbidden ; and this consciousness controls the action of everybody, every day, in a thousand ways. Where some are kept from crime they think of, we may

be sure there are a great many kept from thinking of it at all. In short, government is not only a physical power; it is also a moral force, tending to make the world more peaceable and honest; thus working side by side with religion.

**Importance of Order.** — Maintaining order is the most important function of government. Order is more important to a country than its form of government: the policeman on the street and what he represents are more to you and me than the question whether we live in a republic or under a czar. Order does not give liberty, nor equality, nor abolish cheating, nor make the world a paradise; but it puts its foot on violence.

Order is the first condition of progress. Violence and progress can not live together. Without order, we could not have our churches, schools, roads, manufactures, arts. We can not doubt that when our own ancestors in Europe, two or three thousand years ago, began to grow out of their primitive state (it was not quite savage), their first step was to provide some means to decrease crimes of violence.

Hence a government which keeps some degree of order in a country is worth while, even though very despotic or corrupt. Despotism is better than anarchy. It is said of Central American presidents that generally their first public (!) effort is to make themselves rich by stealing most of the first year's public revenue. And yet they enforce a certain degree of order, which makes their government better than none.

We can not imagine a civilized country suddenly ceasing to maintain order. It never does. In times of revolution, when one government is overthrown and another steps in, as has happened in all the countries of Europe, the first

step always is to take means to maintain order. If the new government has not an organized force of police, it uses its soldiers for the purpose. But it is possible for a country to neglect this duty by degrees, and in consequence to decline. Civil war is the most common cause. On account of its many civil wars, Arabia, which once stood high, is now only semicivilized.

#### SUPPLEMENTARY WORK

1. What was the 'avenger of blood' in Bible history? A city of refuge? Have we any such things now?
2. What is lynching? Why is it to be condemned, even when undertaken by respectable citizens? Name some lynchings which have occurred, that illustrate your reasons.
3. Name some recent strike. Was there anything unlawful connected with it?
4. Why do country districts, in our country, need no police, when all the cities do? Is it so in England? In Turkey?
5. Give reasons why order is more important than liberty.

## CHAPTER SEVEN

### LAW AND LEGISLATION



**Law is the Foundation**, not only of order, but of all civilized society. The beasts live without law, and the savage has but little. Law may exist without liberty, but liberty can not long exist without law. In civilized countries law not only directs the citizen, but also directs the government itself. Europe and America have public schools, police, and all the other things that government provides, not because the king or some official thinks they are needed, but because the law requires them.

It is particularly true in a free country like ours, that law is the foundation ; for, while in most of the world the government itself is in some measure above the law, with us it is the law which provides our very form of government. Even the work of our legislatures, lawmaking itself, must be done according to law, i.e. in the way the constitution provides, or their work does not make law.

**Kinds of Law.** — There is nothing mysterious about ‘The Law,’ even if we do sometimes give it capitals : it means no more than ‘all the laws.’ In the United States there are three kinds of law : constitutions, statutes, and the common law.

**Origin of Law.** — Government makes law, but government does not make all the law : government makes the statutes only. It is natural to think of law as something

laid down beforehand to be obeyed. And that is, in truth, the origin of our constitutions, which are laws imposed by the people upon themselves ; and also of statutes, a name for laws made by legislatures. But the common law, which embraces a very large part, perhaps the most, of our rules of property, business, and personal rights, was neither originated nor imposed by any lawmaker. It grew. Take, for instance, the law that a man must fulfill the contracts he has made : you will not find it either in the constitution or in the statutes of most of our states, and yet it is law in every state, and in truth the basis of all business. The same is true of most of the foundation principles of property and business.

Our Common Law comes from England, and originated there in custom.<sup>1</sup> It is often called the unwritten law, because unwritten in origin, though there are now many books describing it. Its principles originated as habits of the people, five hundred, eight hundred years ago, perhaps some of them back in the time when the half-savage Saxons landed on the shores of England. When the time came that the government, through its courts, punished the breach of a custom, from that time the custom was a law. And so the English people acquired these laws, one after another, just as they were acquiring at the same time the habits of making roads, using forks at table, manufacturing, meeting in Parliament, using firearms, and all the other habits of civilization. When the colonists came to America, they brought the English Common Law with them, not in a book, but in their minds, a part of their life, like their religion.

<sup>1</sup> The English Common Law is the basis of what I have called above the common law, in all states but Louisiana ; the Code Napoleon is the basis there.

In the same way, each of the great nations has its own system of law, which has grown up with it. Do not think of a country which never had a legislature as having no law, nor of kings as the only source of law. Examine any savage tribe: you will see law beginning to form there.

But the process of spontaneous growth of law stops in time, and the monarch becomes the law-changer, or the country gets a legislature as its law-changer. With us only the people can change that part of the law which is in the constitution: legislatures can change the rest, i.e. any part of the common law, or any of their own statutes.

**Necessity for Legislatures.** — But what is the necessity for changing laws? Why not make the system perfect to begin with, and leave it alone?

First, because that is impossible. Men are not wise enough. People differ as to what is best: experiments in legislation turn out badly, and have to be abandoned. Nor are men good enough. Wickedness frequently gets into the law. But as we believe the race is not losing but gaining in justice and equality, the changes are in the long run likely to be improvements.

Another reason is that modes of life and business are continually changing. In the United States in 1800, only one twenty-fifth of the population lived in cities: now a third do. Police laws, road laws, tax laws, and many others suited to a country of farms, are not suited to a country of cities. Railroads, telegraphs, steamboats, and many other new things have come into use: new objects requiring new laws.

**Great Changes** in the law, however, come slowly, with legislatures or without. Every two years we get from our

state legislatures and from Congress some fifty volumes of new law, and yet it is true that the body of law as a whole remains the same for a lifetime, and even for a century or two. The same acts are crimes from year to year. The sketch of our commonest laws of business and property given in Chap. 39 would have been substantially correct a hundred years ago. Great changes either come gradually, such as the establishment of the right of a married woman to own property and to do business, which has been the work of a hundred years; or are accompanied by great convulsions, like the abolition of slavery in the South, 1861 to 1865.

No man ever made a complete new system of law and gave it to a people. No monarch, however absolute or powerful, ever had the power to change the habits of a people to that extent. Revolution generally means, not a change of law, but merely a change of government officials; even when it is a change from monarchy to democracy. Our Revolution made practically no changes in the criminal and civil laws of the colonies.

**Codes.** — Monarchs have, however, collected the laws of a country (or rather have had it done), arranging them in logical order, and expressing them in clear terms; and have decreed that this collection should be the law of the land. Such a collection of laws is called a code. Legislatures nowadays are doing a good deal of code making; and in some parts of our country codes are taking the place of the common law. The two most noted codes of the world's history are, one made for the Roman Empire (Eastern), under the Emperor Justinian in the 6th century A.D., and one made for France under Napoleon I. It is characteristic of the selfish character of absolute power

that the names by which these codes are known are those of the monarchs, not of the men who did the work.

**Effect of Legislation.** — But if we call legislatures law-changers, instead of lawmakers, because there is so much law that they never made, and so much that they never touch, we must be careful not to underrate their power and their importance. The law-changers come next to the order-keepers. Congress and our state legislatures have it in their power to produce at any time great changes in the nation. Good government depends, not wholly but largely, upon them. The Koran, which is both Bible and Law Book to Mohammedans, said that the human face and figure should not be imitated ; and the result was that the Arabs, with all their civilization, had no painting or sculpture. It forbade the drinking of wine : and Turkey, with all its faults, is not drunken. From the beginning, our legislatures have passed laws fostering the public schools ; a fact that has contributed much to give us our high position among the nations. A wrong law to-day on taxation or money may deprive many of a substantial part of their fortunes or impose unfair burdens on the poor.

The work of legislation demands the highest wisdom. To be a member of a state legislature or of Congress should be considered one of the highest honors.

**The Countries** which have legislatures are these : The United States has always had them ; prior to the Revolution each colony had one. Great Britain has one. England is called the Mother of Parliaments ; for the English Parliament, originating about six hundred years ago, has been the model for legislatures all over the world. The British colonies of Canada, Australia, New Zealand, and several others, have each its own. Russia and Turkey are the

only European nations which have none. Japan has had one since 1889. But there is no country where the legislature is so important a part of the government as in the English-speaking nations, except perhaps Switzerland.

The part of the world which gets along without legislatures comprises Russia, Turkey, all of Asia but Japan, and all of Africa but the British colonies in the south. The countries of America, south of the United States, have legislatures in form, but each is practically a tool of the man who happens to be president. Where there is no legislature, the monarch exercises the law-changing power, the laws he issues being called 'decrees.'

**Government by the People.** — The possession of a legislature, the world over, is the chief sign of government by the people. The first step of a people, in gaining self-government, is getting a legislature. In some of the countries of Europe now—as in England formerly—the chief battleground between monarchy and self-government is the legislature.

And this is not solely because of the legislature's power to pass laws, but especially because the legislature holds the purse strings, i.e. determines what money the government shall have to spend, or in other words what money shall be raised in taxation. The main question between Charles I. of England and his Parliament was, which should have the power to tax, and that meant the power to rule without the other.

#### SUPPLEMENTARY WORK

1. Why can not liberty exist without law? Imagine a country without some fundamental law, such as the law punishing theft, and picture what the result would be. What is the difference between

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liberty and license? Which is really the more free, the savage living in his tribe, or the citizen of a civilized nation? Explain why.

2. Give examples of wicked laws, as you consider them, either present or historical. Give examples, not mentioned in the text, of new subjects requiring new laws.

3. What is a revolution? Do great changes in the law always come slowly? Name some in European history which came swiftly; and tell how they were accomplished.

4. Make a map of the world showing the countries which have legislatures.

## CHAPTER EIGHT

### PROTECTING INDIVIDUAL RIGHTS



**Self-protection.** — Every one has the right of self-protection when it is used to prevent an injury. I may fight one who is attacking me. I may shoot the burglar in my house, for he is ready to shoot me. I may take my property from the sneak-thief who is carrying it off.

**Redress.** — But if the thing is over, I have no right to take redress into my own hands : redress belongs to the government. If one has knocked me down and gone away, so that I am no longer in danger, I have no right to hunt him up and inflict vengeance. If one has cheated me, or owes me money which he refuses to pay, and I take his property to pay myself, I am a thief. The romances of the Middle Ages represent the knights as going about rescuing fair prisoners, and righting other people's wrongs for them : government has now assumed all the duties of that occupation.

**Courts and Sheriffs.** — There is but one method of asking the government to right your wrong ; namely, to bring a lawsuit against the offender. The court decides whether the case is one requiring redress, and what the remedy shall be ; the sheriff executes the judgment. We are familiar with the statue of Justice, which often ornaments

the front of a courthouse : scales in one hand, sword in the other, and blindfolded. The scales are the mind of the court in which the case is weighed ; the sheriff is the sword. I have seen the statue without the sword ; but that is something like a soldier provided only with blank cartridges.

**The Remedy.** — The law gives a remedy for every injury to a person, whether in his life, his body, his reputation, or his property. If the thing done is both an injury to some individual and also an offense against the community, i.e. a crime, the offender must be punished and also must make restitution to the person injured. Too often, however, he has no property with which to make restitution.

Where one violates any of the personal rights, such as by striking another, locking him up, causing him to be wrongfully arrested, or uttering a libel against him, the offender may be sued by the person injured, for money. The amount will be what the court considers a recompense : it may be \$100 ; it may be \$25,000. If the person is restrained of his liberty, the court sets him free ; but there are comparatively few cases of that kind now.

Where it is a property right which is violated, as where one seizes another's land, or steals another's property, and the property itself can be found, it is restored to the owner ; but if it can not be found, he sues for its value in money. If it is a case of injury to property, money damage is again the remedy, as it also is in all cases of debt, for something purchased, for rent, etc.

In all cases where the judgment rendered is for money, if the party who is to pay it fails to do so, the sheriff seizes any property of his that can be found, and sells it to raise the money. In certain cases the law gives another remedy ;

namely, imprisonment if the debtor fails to pay, whether he has money or not. Those cases are assault, libel, stealing, fraud, and like cases showing the wicked heart ; but in all cases of simple debt money damage is the only remedy.

Simple debt was formerly punished as a crime. In early Rome the debtor and his family could be sold into slavery. Even in England and America, up to about 1830, one might be imprisoned for simply owing money which he could not pay. But lawmakers came to see that it was both foolish and wicked to imprison a man who was merely unfortunate, while if he were at liberty he might earn the money to pay the debt. Dickens, in ‘ Little Dorrit,’ has given us a powerful description of the degrading effects of life in a debtors’ prison.

**Courts Free to All.**— Any person, whether infant or adult, may appeal to the government to redress a violation of his rights ; or, in other words, any one may bring a lawsuit. Even foreigners, living in their own country, may sue here.

Any one within the district of the court may be sued : no one is too high. In some cases a government official may be sued for something he has done as such official. It sounds paradoxical that a government should offer its subjects protection against itself. No king ever did that. But it is a fact in the United States and Great Britain. This is an example of government by law instead of by person. If an official does something the law does not lay down for him to do, even though he does it believing he has the right, it is the duty of a court, when called upon, to declare his act void, and if called upon while it is being done, to stop it. United States customs collectors may be sued for tariff taxes they have collected, when they have

misinterpreted the law. It is the law in many states that a city shall not borrow more than ten per cent of the assessed value of all the property in the city. If, now, the mayor and city council should propose to do so, the proper court could — yes, must — forbid it, on complaint of a taxpayer.

Such an idea would seem absurd to a Turk or a Russian. A citizen attempting to control the government! Germany and republican France would not understand it. Even the English do not go quite so far as we.

But a court does not act without a complaint. The only way to get your remedy is by starting your own lawsuit. There are no officers of the government charged with the duty of finding out those whose rights are being violated. And this is practically so even with children, for it is supposed their friends will act for them. Here is a difference between crimes and civil wrongs, for the government acts of its own motion in all cases of crime. The police do not wait for a complaint from the party injured.

**Hearing Both Sides.**— But the government will not grant you redress without hearing what the other side has to say. It matters not whether a suit be for \$5 or for \$100,000; whether it be some eminent man or some pauper on either side; whether the case be doubtful or clear as light: each suit begins with a summons to the other person to state his side. Opportunity to be heard is one of the things meant in that clause of the United States constitution which says, ‘No person shall be . . . deprived of life, liberty, or property, without due process of law’ (p. 284).

**Law and Justice.**— The law governs judges also: they have no right to make exceptions in hard cases. Law is the only justice that government administers.

Does that sound hard? Does it seem as if justice were something better than law? But experience has been the other way, and the more enlightened nations have grown, the more they have bound their judges down to the law. Credit, which has done so much for commerce, depends on law; for who could safely lend money, or sell goods on credit, if payment depended finally on the notion of some judge? The East, with its limited commerce, and its courts, not of justice but of caprice, illustrates the result of a system in which the notion or arbitrary will of the judge is practically the law, in each case.

**Most Rights** are respected without appeal to a court. The law seems to have power to make itself obeyed. One has but to think of the thousand and one, nay the millions of transactions, big and little, which occur in any country without appeal to any court, without any dispute; to see that this function of government, the protecting of individual rights, is less important than maintaining order, or lawmaking. Or rather, let us say, less used; for the same moral effect is found here that we noticed with the police, and the existence of courts prevents more wrongdoing than it remedies.

**Remedy Imperfect.** — It is an impressive idea that all the mighty power of the government is pledged to the assistance of the humblest individual who has suffered at the hands of another. But the government does not undertake to make good the loss itself, only to force the other person to do so; and that is a remedy which in more than half the cases amounts in the end to nothing at all. The machinery for the punishment of crime is far more efficient in operation than that for the protecting of rights: in this country, as everywhere.

Lawsuits take time, especially in cities : sometimes they take years. In the vast majority of cases the remedy is only a judgment that A shall pay B so much money. But if A has no money and no property, of what value is the judgment ? Not more than half of the money judgments rendered are ever paid. Lastly, the cost and trouble of a lawsuit make it a very expensive luxury. The gathering of evidence, the fees of lawyers (each side pays its own), the court fees (for the assistance of the government in this case is not gratuitous), all cost money. A lawsuit may cost \$50 ; it may cost \$50,000.

Here is one of the problems waiting to be solved by future statesmen : to find some method for government to protect individual rights immediately, completely, and without cost.

**Other Countries.**— All the present nations of the world have courts of some sort, even those of Asia. It is only among barbarous tribes that courts can be said not to exist. Deciding disputes and redressing wrongs have been duties of government, in some sort, from the earliest times. People get judges before they get legislatures. Solomon says, ‘Princes decree justice.’

**Bribery.**— Our statue of Justice is blindfolded, so that she can not see on which hand stands the rich man, and on which the poor man. And that is one of the great differences between Europe and North America on the one hand, and the rest of the world on the other. Justice with us is practically pure : we can not quite say that judges never take bribes, but the exceptions are rare. But in the East, China for example, bribery is the rule. The rich or powerful can always win their suits ; the poor or humble, never.

## SUPPLEMENTARY WORK

1. What is the difference between protecting yourself, and taking redress? Illustrate with cases not mentioned in the text.
2. Name two noted debtors' prisons formerly existing in London. Why not imprison a man for debt?
3. What is the difference between law and justice? Should a judge enforce an unjust law? Why?
4. Can you think of any way to make a lawsuit a better remedy than it is? Why not adopt that way?
5. Is money the only means of bribery?

## CHAPTER NINE

### PUBLIC SCHOOLS



**Free Schools.** — Europe and America are agreed that it is the duty of government to furnish free, to every child in the land, a primary education. For that purpose we have, dotting the country everywhere, from the Atlantic to the Pacific, north and south, about 200,000 schools ; called in some states district schools, in others public schools. Of

the twenty million children in the United States, probably less than one million live out of reach of the schoolhouse. The primary education given free by the government is such as a child receives from six to twelve years of age : reading, writing, spelling, numbers, geography, etc.

Do not think lightly of this because the things taught seem simple. They are the door to all knowledge. There is more difference between a man who has never had a primary education, i.e. who can not read and write, and one who has, than between the latter and the highly educated

man. Nine tenths of the people of any country never receive any more than a primary education, never go to school after thirteen or fourteen years of age.

And there is much more than book knowledge in schools. They teach how to think and reason. In them, most of the children receive ideas of duty, right, liberty, justice, law, progress, which they would not get at home or on the streets. We can hardly exaggerate the importance of having good public schools. Men are thinking and writing all the time on what and how to teach the child. School-houses, text-books, and methods of teaching are being continually improved.

**Compulsory Education.**—About half the states make primary education compulsory : which means that parents are obliged by law to send their children to school. The time required is about thirteen weeks each year for about six years, after seven or eight years of age.

**Higher Education.**—But government does not limit its giving to primary education ; it furnishes, and generally free, a higher education. For this purpose, free high schools exist in about half of the states, for young people from about twelve to twenty years of age. In some states, too, the government furnishes free a college education, as in most of the state universities. Very nearly all the states have normal schools, in which men and women are prepared for teaching, free. It has been a disputed question whether a higher education should be free. But in any event it is only the teaching which is furnished free. The pupil, whether at home or away from home, is not supported by the government.

**Benefit to the Nation.**—Education of the boy and girl is a benefit to the whole nation. It not only greatly

increases the material prosperity of the nation, but it decreases crimes of violence and makes the people more orderly.<sup>1</sup> If the latter were its only good, it would pay.

There is a special reason why the United States, or any other country which makes voters and officials of its children when they grow up, should value its primary public schools. A college education is not necessary to make either an intelligent voter or a good official. Even an illiterate man of common sense can often vote intelligently. But a primary education is always a strong support and guide to common sense, and can even go far to supply its place when it is lacking. The illiterate have always been the easy prey of the demagogue. Russia, where less than one quarter of the adult population can read and write, is, for this reason alone, unfitted for any but a small degree of self-government.

When Jefferson, in the Declaration of Independence, said 'All men are created equal,' he meant equal in rights, for in everything else they are very unequal ; and one of the greatest inequalities is in fortune. The giving of a primary education to the children of the poor is a long step on the road to equality, not only because education gives the poor better opportunities, but also because it decreases the feeling of inequality, helps self-respect. Equality of rights is the corner stone of democracy : greater equality in all things is its aim.

**Right to Education.**—But after all, the great reason why government provides free public schools is the feeling

<sup>1</sup> Between 1845 and 1887, it has been calculated, the children attending school in Great Britain (not including Ireland) increased from 11 to 122, for each thousand of population ; while in the same period criminals decreased from 125 to 38 for each hundred thousand.

that every human being, even the poorest, is entitled to that help from government. It is more a debt owed him, than a gift to him.

**Why Free.**—But why not compel the parents to educate their own children? Why make education free? Are public schools better than private schools? The answer is that, whether this is the best way or not, it is the only way, to educate the masses. We talk about rich cities, and rich countries, but it is a pitiful fact that even in the richest cities and countries, four fifths of the people are poor, too poor to send their children to private schools. As for home teaching, the parents are neither willing nor competent: rich as well as poor. Teaching is a profession, calling for learning, intelligence, and training. We ought to appreciate the skillful, careful work done in our public schools.

**In Other Countries.**—Nearly all the nations of western Europe now furnish education free, both primary and higher: they spend as much money as we for the purpose; have as many and often as efficient schools; and as large a proportion of the children attend school. Switzerland leads the world in this matter. A beginning has been made in Russia, Turkey, and Japan. About half the countries of Europe make primary education compulsory.

Our public school system has always been rightfully considered one of our greatest blessings; but our advantage at present over such countries as Great Britain, France, and Germany, is not so much in what is now being done as in the fact that we are reaping the benefits of two or three hundred years of common-school education, while in Europe such education is comparatively recent.

**A New Thing.**—Educating the people, as a duty of

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government, is a new thing in history. In some of the ancient Greek cities, the government educated part of the children. Rome left all education to the parents. The modern system had its small beginnings in Germany, about three hundred years ago. From that time the feeling began to creep over Europe that the peasant and his children, who before then were unconsidered people, had a just claim to be taught something. The American colonists brought this feeling with them across the ocean, and cherished it.

And popular education makes one of the most striking and important differences between the Europe of to-day and that of three hundred years ago. There had been, since about the eleventh century, an educated upper class ; but the ignorant peasants lay below, twenty times their number, thinking different thoughts, and reading nothing. Now more than half of the peasants are reading books and newspapers, like the nobles. And the greatest part of that advance has been since the middle of the last century. In Great Britain, in 1840, forty adults out of every hundred could not write ; now only about 6 per cent can not.

### SUPPLEMENTARY WORK

1. What is a public school? Are parents obliged by law to send their children to public schools?
2. Give a reason for making primary education compulsory. Give reasons for and against the government's furnishing a college education free.

## CHAPTER TEN

### ROADS AND STREETS



**An Ancient Function.**—In striking contrast with the subject of the last chapter, road making is one of the most ancient functions of government. Governments, as far back as we can trace them, have made roads. It has

been said that, twenty centuries ago, you could travel in a carriage over Roman stone-paved roads from London to Cairo. There are now, in some lands, roads which have outlasted the buildings, the cities, the government, the laws, the language, the very race itself.

But government is doing now, in America and Europe, far more than it has ever done before, since Roman times, in the matter of road making. The United States, it has been estimated, did not have 1000 miles of road at the time of the Revolution : now we have 260 times as much for a population only 25 times as great. A hundred years ago, even the best roads of England were, in the spring, mere bogs, into which the wagon wheels sank to their hubs ; and that represented the state of all Europe.

The tollgate, too, is passing away ; and travel is free for yourself and your wagon on most roads.

**If Government did not make the roads, would there be any ?** Oh, yes. As a country grows, the principal roads

from town to town make themselves—bogs in wet weather, but still roads. Even in a mountainous and rocky country some sort of a path is beaten out by travelers. First come trails, which are narrow paths a foot wide, over which horses and men can go. Even savage Africa has those. Then come a few rough wagon roads, over which a wagon can (if strong enough) be drawn at a walk, sinking into mud or sand or ruts a foot or two, and bumping over stones a foot or two in diameter. And that is about what roads remain, until the government causes them to be made level and hard, and takes care of them year by year.<sup>1</sup> City streets would be nearly as bad (as they now are in much of Russia), if the government did not care for them; and the crooked streets in the old parts of old cities show the crooked course they take in growing up from cow paths.

**Use of Roads.**—One of the first needs of a new country is roads. Their usefulness for travel is self-evident; but they also have a political use. Before the days of railroads and telegraphs they were the only means of communication, and so the only means of binding a people together or promoting progress. Even now mountain populations are usually behind the people of the plain in civilization.

Roads also play a great military part, by making possible quick movements of soldiery and artillery. In this way the great Roman roads, whose chief purpose was military, were like bands holding the empire together. Napoleon won some of his campaigns by the quick use of

<sup>1</sup> There is nothing to prevent an owner of land making a road over his own property, and allowing the public to use it; but it does not become a public road, in which the public has rights, until given to and accepted by the government, unless it remains in public use twenty years.

good roads, then new to the country. Genius often consists in seeing things a little ahead of other people.

**New Roads.**—Government makes all new roads and streets.<sup>1</sup> The first step is, deciding that it is needed. In our country, the owners of the land on the proposed route have a large voice in this. Sometimes one half, sometimes two thirds, of them must consent, before the government has any right to make the road. In Europe, the government decides without the consent of the owners.

The next step is, getting the land. If the matter has been properly decided, then public necessity overrides the private right of property, and the road may be put right through my house. The government must pay me, however, for the land and property it takes; and if we can not agree upon what this is worth, certain appraisers are appointed to decide. New city streets are frequently cut through blocks of buildings, and large sums paid to the owners. But in the country the owners are frequently willing to give the land for nothing, for the sake of getting the road.

The third step is the actual making of the road. Perhaps it is a simple country road, made by a dozen men and teams, and costing \$500 a mile; perhaps it is a costly road, carefully graded and hardened, costing \$5,000 or \$10,000 a mile; perhaps it is a city street, with its several prepared layers, broken stone, cement, asphalt, etc., and costing \$30,000 or \$40,000 a mile. The government has two ways of doing such work: it may buy all the material, hire all the laborers, and do all the work itself; or it may agree with some contractor that he shall do all that, and pay him a certain sum per mile or per rod.

<sup>1</sup> See note on preceding page.

The fourth step is, paying for the road. If it is a main road, such as one between two large cities, or a main street in a city, the government pays the cost, and the money comes out of the taxes. If it is a minor road, or a side street in a city, the cost is assessed upon the owners of the land near it, for they are the ones chiefly benefited by it ; and this is a very good reason why they should have the right to decide whether they shall have it or not. Sometimes the cost is divided between the government and the owners of adjoining land.

**Care.**—The government takes care of and repairs all roads and streets ; and the cost is paid out of the taxes, not by adjoining owners. In some country districts, a person, instead of paying his road tax in money, is allowed to do a certain amount of work on the road himself. The mere daily cleaning of the streets in a city is a very large item. In New York city it costs \$5,000,000 or more a year.

**In Other Countries.**—Western Europe, in general, excels the United States in roads, both in the quantity made, and in their quality. France leads the world, having more miles of road than the whole United States, although but half the population. Her roads crossing the Alps are world-renowned. Asia, Africa, and South America are practically without roads away from the cities ; and the railway is coming in first.<sup>1</sup>

**Railways.**—But the tale is very different about railways, for the United States has more miles of railway than all Europe combined. Railways have been of inestimable

<sup>1</sup> Following are the numbers of miles of road passable for wagons per million of population, in the countries named : (round numbers) France 8,000; Germany 5,000; United States 3,500; Great Britain 3,000; Austria 2,000; Italy 1,700; Spain 800; Russia 600; India 200; Brazil 50.

value to us politically, for without the ties of common interest and feeling which they create, it might have been difficult to keep so vast a country under a single free government. Asia, Africa, and South America have but a few thousand miles of railway all told.

**With Us the Railways are Private Enterprises:** the government neither builds nor runs them. In several of the countries of Europe, they are government property, built and run by the government.

#### SUPPLEMENTARY WORK

1. Describe how roads make themselves in a new country. What is a corduroy road? Can you name a road which is two thousand years old?
2. Why should the owners of property along a new street in a city have any voice in deciding whether it shall be made?
3. If you have ever seen a new road in the country made, describe the process. Same, as to city street.
4. When did railways originate? What was the first one in this country?

## CHAPTER ELEVEN

### CARE OF THE DESTITUTE



It is the Policy of modern civilized nations that no inhabitant shall remain in distress for the lack of the means of life ; i.e. food, shelter, and medical aid. If one has no way to get them otherwise, the community, through the government,

gives them to him free. And so the Man of Iron who represses violence, is also something of a Good Samaritan. Asia and Africa, except those parts under European rule, know no such thing as this, the community taking care of the individual. There the individual must succor himself, and thousands die of starvation in their frequent famines.

**People Aided.**— There are four kinds of people to whom we extend this aid : orphans, the insane, the sick, and paupers. And so we find, scattered over the country, orphan asylums (called charity schools in England), where poor orphans live and are educated until old enough to work for themselves ; insane asylums, where the insane poor may live, under medical care, until they recover or until death ; hospitals, to which the poor may resort to obtain medical

advice and treatment, and where they may live if necessary until well ; and poorhouses (also called almshouses or work-houses), where paupers may live and be supported. And all are free to those who can not pay.

**In Europe.**—The number of people receiving public support is smaller in this country than in Europe. The chief difference is in the number of paupers. The treatment of paupers is one of the chief government problems in some parts of Europe, but with us it is a small question.<sup>1</sup> When we compare the number of paupers (say 150,000) with the number of school children (some 20,000,000), it is easy to see why education is a more important duty of government in the United States, than the care of the destitute.

**A Modern Function.**—Care of the destitute, as a duty of government, is modern ; but personal charity, i.e. the giving by individuals, is as old as the human race. In one of the oldest pieces of literature in the world, Job says ‘I was a father to the poor.’ But the first organized charities, such as asylums or hospitals, which history knows about, were established in connection with the monasteries of the Christian church, and were entirely supported by gifts to the church. These continued for centuries ; and governments took no care of the destitute until about four hundred years ago. Very much more has been done in the last one hundred years than ever before : another illustration of how the activities of government have widened.

**Asylums and Hospitals.**—But the subject of charity has not yet wholly passed over into the hands of government : perhaps it never will. In caring for orphans, the

<sup>1</sup> In Italy or Great Britain, for instance, there are probably ten or twenty times as many poor receiving public aid as in the United States.

insane, and the sick, government walks hand in hand with private charity. Most of the asylums and hospitals of this country are private institutions, managed by trustees appointed in some private way : they are not parts of the government, any more than a bank, or a church. But to many of them the government makes contributions of money each year, to aid in their support; as is done also in European cities. Besides these private institutions, there are also government asylums and hospitals of various sorts, built and supported wholly by government money, and managed by government officials. In the United States, the government pays about half the total expense for destitute orphans, insane, and sick ; the other half coming from private voluntary contributions. In Europe much the larger part comes from private sources.

**Paupers.** — But with paupers our system is different : the government takes nearly all the burden. The government builds the poorhouses, and supports them ; and their managers are government officials. In some parts of the country, as in Europe also, relief is given to the poor in their own homes, in the form of provisions, coal, or money ; but many people have strongly argued that this outdoor relief, as it is called, does more harm than good, as it trains the poor to rely on relief rather than on their own exertions.

In fact the proper treatment of pauperism is a difficult problem, which has not been solved yet. The poor, such as still retain self-respect, dread the disgrace and the discomforts of the poorhouse ; and that very feeling is a public safeguard. Even now over half of the paupers in our poorhouses are able to work if they would. A certain charity once announced that thereafter no able-bodied man

would be given a bed over night, unless he would do a certain small amount of work ; and two-thirds of the former (supposedly) destitute men stopped coming. England perhaps gives more in charity than any other country, and many people think that is why she has so many paupers.

**Poverty.**— There are many grades of poverty above pauperism, and they are all hard to bear. But government relieves only the direst distress, supports only the absolutely destitute, saves only from the danger of starvation or death on the street. Its action is not even a step toward curing the evil, that great ill of every country, civilized or uncivilized : the poverty of the masses. England is the country where there is more wealth in proportion to population than any other in the world ; and yet it is estimated that out of every seven persons there, six are so poor that it is a continual struggle with them to get enough for food, clothing, and shelter.

Is there no cure for poverty ? Is there nothing which government can do ? Perhaps so ; perhaps not. People differ on that point. As yet, however, governments have hardly touched upon the hard problem.

#### SUPPLEMENTARY WORK

1. What is a famine? Name a country in which there has recently been one. Does the United States have famines? Why?
2. Give reasons for and against government aid to paupers. Do those reasons apply to all kinds of public charity?

## CHAPTER TWELVE

### THE POST OFFICE



**A Modern Invention.** — Not long ago the world had no post offices, and the sending of a letter meant the sending of a messenger. In those days the receipt of a letter was the event of the year. The common people wrote and received none. To-day, the United States government delivers forty million pieces of mail matter a day. Post offices were established about the time government began to take hold of public charity, about four hundred years ago. But, unlike charity and education, post offices have been government matters almost from their beginning.

**What is Carried.** — Written or printed matter of any kind, such as letters, books, newspapers, circulars, may be sent by mail. Goods, or any sort of material, may also be sent, but the weight must not exceed four pounds. Money may also be transmitted, by money orders. The government does all this for every one.

**How Carried.** — In every town an office is provided, where the mail is received, distributed, and dispatched; postmasters are appointed, more than 75,000 of them, to take charge of the post offices; agreements are made with the railroads to do the carrying, so far as they extend; and with teamsters where the railroads do not extend.

**Where Carried.** — The government will carry your letter, not only to any other post office in this country, but also to any post office in any foreign country. The government pays the various steamship lines for carrying the foreign mail, and when it is landed in the foreign country, the government of that country takes charge of it, in its own post office system. The different nations of the globe do not work together in many matters, but they do in this.

**Cost.** — The cost is about the same in Europe and the United States ; two cents for a letter, one cent for a small newspaper, and five cents for a letter to a foreign country. Surely, a great contrast with the cost of a special messenger on horseback ! But formerly postage was much greater. Until within the last fifty years, it varied with the distance. Before 1845, for an ordinary letter it was from six to twenty-five cents, which was generally paid by the receiver. Postage stamps also originated about 1845, as a convenient way for the sender to pay.

**A Public Educator.** — The post office originated as a convenience, but it has a better reason for being. The easy transmission of letters, books, and newspapers enables people to spread their own ideas, and to learn what others are thinking and talking about. This increases intelligence ; cements the people more strongly together ; makes a better government ; makes a stronger nation. The amount of a country's mail matter is an important test of its public intelligence. And that is why the cost of postage is made so low ; with the lowest rate of all for newspapers. Our government does not try to make any money out of the post office, merely to pay expenses : European governments make something out of it to help the taxes.

**In Other Countries.**— The post office, starting earlier, has spread over a greater part of the world than the public school. All the countries of North and South America, Europe, and Asia, and even those upon the coasts of Africa, have postal systems; more or less efficient. About the only regions of the world that never see the postage stamp are the barbarous regions.

Some European governments combine other things with the carrying of the mail. They have a parcel post, carrying parcels up to eight or ten pounds; they do all the telegraph business; they act as a savings bank for the people. But with us, the express companies do most of the parcel business; the telegraph companies do the telegraph business, owning their own lines; the savings banks are private concerns: and none of the three is any part of government.

#### SUPPLEMENTARY WORK

1. State the benefits of a post-office system to a country. Name a country which has none. (Consult stamp album.)
2. What is first, second, third, and fourth class matter, respectively, under the rules of the U.S. post office? Name the rates for each. Which pays the lowest rate? Why?
3. What is 'franking'? Who has the privilege?
4. Explain money orders, their purpose, and method of use.

## CHAPTER THIRTEEN

### FOREIGN RELATIONS



**Foreign Relations.**—When I say government manages foreign relations, I do not mean the relations of our citizens to foreign nations, for those are governed by their law; nor the relations of foreign citizens to our country, for those are governed by our law: but the agreements we make as a nation, with other nations, and the messengers we send and receive; in other words, treaties and ambassadors.

As each nation is its own master, it may refuse to make treaties with, or send ambassadors to another. If it did so

refuse, that would hamper, but would not stop, intercourse between their citizens. Trade and travel originated long before nations were civilized enough to make treaties. But all the civilized nations make some treaties, even China. Among the most common subjects for treaties are territory, extradition, and the mail.

**Territory.** — The boundaries of adjoining countries often remain indefinite until settled by treaty between them.



Modern wars generally end with treaties, the chief point of which is the slice of territory transferred from the conquered to the conqueror. Three fourths of what is now the United States came to us by treaties with France, Spain, Mexico, and Russia. Even the boundary of our original territory was the subject of treaties with Great Britain.

**Extradition.** — Up to

about the middle of the last century, as a rule, if a criminal got out of the country without being caught, he was safe. The country where he had committed the crime could not send its police into the other country to arrest him, and the country to which he had fled would not arrest him because the crime had not been committed there. But the nations came to realize — one would think they could have seen it long before — that they did not want each other's criminals. And so treaties were made, to catch and send home, for trial and punishment, persons accused of crime who had escaped. That is extradition. The United States has extradition treaties with most of the countries of Europe, and with some in other parts of the world.

**The Mail.** — We have postal treaties with almost every country in the world. The substance of such a treaty is: If you will receive and deliver through your post office all

the mail we send you, we will do the same with your mail to us.

**Other Subjects.**— There are many other subjects upon which treaties are made, sometimes by two nations, sometimes by a group of nations. Here are some examples : Navigation treaties, laying down what lights vessels shall carry in the night, and what vessels shall have the right of way over others when they meet, or rules for the navigation of a river which is the boundary between two countries ; tariff treaties, as where one nation says, we will charge no duties on such and such imports from your country, if you will not charge on such and such from ours ; treaties about coins, weights, and measures, to make them similar in different countries ; copyright, patent, or trademark treaties, the object of which is to give to each other's citizens the sole right to publish in either nation the books they have written, or to make the machines they have invented, or to use the trade-marks they have adopted ; treaties about war, governing the treatment of prisoners, privateering (see p. 233), and many other methods in war ; treaties agreeing to submit certain disputes to arbitration.

**Ambassadors and Consuls.**— Nations have found it convenient to have servants of their own, living in foreign countries. They are of two kinds : ambassadors and consuls.<sup>1</sup> The United States sends ambassadors to almost all the nations of Europe, America, and Asia ; and most of them send to us. All the foreign ambassadors live at the capital city, and form what is called the ‘diplomatic corps.’ Consuls are sent, not to nations, but to cities. Thus we send but one ambassador to London, for Great Britain and all her colonies, Canada, India, etc., but we send separate

<sup>1</sup> I use these words in their general sense : there are several kinds of each.

consuls to London, Liverpool, Montreal, Bombay, etc. We send consuls to all the large cities of the world, some seven hundred and fifty in all.

An ambassador is the representative of his own government in the foreign country. His duty is to watch events there, and keep his government informed of anything which may affect it. If war is threatened, he can give timely warning. He often takes part in the making of treaties. Another duty, none the less important because it is social, is to attend any ceremony of national importance : it may be a dinner, it may be a funeral. Thus the thirty foreign ambassadors living at Washington always attend the inauguration of our president. These things are marks of respect shown by one nation to another.

The position of ambassador is a very important one. By judicious words at the right time, he can quiet excited feeling against his country ; or by injudicious words, cause it. The position is also considered very honorable, and we often find our ablest statesmen willing to go as ambassadors to the greater European nations.

The consul does not, like the ambassador, represent his government. His chief duties relate to the private business of his countrymen : such as certifying to the value of goods to be exported, so that when they reach this country the duties to be paid may be calculated ; taking the testimony of people there, which is needed in suits here.

**Modern.**—Treaties, ambassadors, and consuls are modern. Europe knew little of them up to five hundred years ago. They are the children of the wondrous increase in trade and travel of modern times, for it is the intercourse of the people of the world which makes them needful. The last hundred years has seen a very great increase in treaty

making, and the future is likely to see a greater, as railroads, steamships, telegraphs, and all the coming inventions bring the nations nearer and nearer together. As customs grow into law, so treaties are laying the foundation of a system of law for the world : and progress is making, even though the ‘parliament of man’ is not in sight.<sup>1</sup>

**Protection.** — The citizen of a country, when abroad, is entitled to the protection of his own government from oppression. This does not mean that any one getting into trouble in a foreign country through his own wrong-doing, may call upon his government for help: we must obey the laws of the country we are in, and if courts exist there to protect us, and our trial is fair, we have no ground of complaint. This protection, then, has little application to travelers in Europe or this country; but it is frequently exercised in the less civilized parts of the globe, Asia, Africa, and South America, which have not yet learned the fair treatment of aliens. Between the greater nations this protection rarely goes beyond peaceful negotiations between the citizen’s own government and the government of the offending country. But if the offending country is weak and the other strong, it may mean the sending of some war ships to bombard a port, or to seize a customhouse. In Asia or Africa it sometimes means the sending of a rescuing or punitive expedition against the offending people.

#### SUPPLEMENTARY WORK

1. Did the territory of the state you live in come to us by treaty? If so, when, and from whom?

<sup>1</sup> The legislature for the world as a single nation, imagined by Tennyson in these lines:  
‘Till the war-drum throb’d no longer, and the battle flags were furl’d  
In the Parliament of man, the Federation of the world.’

*Locksley Hall.*

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2. Can you name a case in which an accused person has been surrendered to the United States without an extradition treaty? Is it unjust to the accused person to surrender him without a treaty? Why?
3. Make a list of the countries that send ambassadors to this country. A list of the countries to which we send ambassadors. (Newspaper almanacs contain the information.)
4. Give a recent instance of a country sending war ships to another country to protect the rights of citizens of the former; state what happened.
5. Give the story of a rescuing expedition sent by Great Britain to Abyssinia in 1867. State the circumstances of a noted one sent to China in 1900.

## CHAPTER FOURTEEN

### WAR



#### Deciding on War.—

When, about fifteen centuries ago, the rough people of northern Europe, finding food scarce for

their increasing numbers, moved on into the pleasant southern country, with their goods and families, and made the inhabitants they found there divide the land with them ; it was a people making war. The common impulse of all the people was the deciding cause. But nowadays the people are fixed in their abodes and do not start wars ; the government decides the matter.

Since the days of the barbarian invasions perhaps most of the wars of the world have been started by the decision of some one man, some bigoted or ambitious king, without reference to the wishes or interests of his people. England and France, the most enlightened nations of the world, warred for centuries : why ? Because a Henry V. or a Napoleon wanted to add to his glory. The monarch's power to make war was one of the greatest evils of monarchy : I say was, because parliaments are gradually getting the power away from the monarchs. The greatest blessing which England conferred upon India by conquering it, was that she took from its chiefs the power to make war upon one another.

**Management of War.** — It is the government, too, which carries on the war. Modern war is much more than fighting. It means armies gathered and drilled, arms, artillery, ammunition, tents, food, clothing, medicine, means of transport, the raising of money to pay for it all, a scientific plan of attack or defense. All this a people could not have without a government.

The generals have no authority to begin a war or to stop it : they take the men and equipment which the government provides ; they carry on the campaign laid out by the government. The successful general is always glorified ; but it may very well happen that some quiet man in the capital is entitled to more than half the credit. Sometimes, but not often in these days, the commander in the field is the government itself. That was so with the Emperor Napoleon.

**War is the Oldest** function of government. In truth, if we go back to primitive peoples, war comes before government, and makes it. Among savages the bravest and strongest man becomes first a leader in war, and afterward the chief of his tribe. It was not a mere coincidence that Saul, the first King of Israel, ‘was higher than any of the people from his shoulders and upward.’

**Cost.** — Waging war is the most costly thing that government does. Our war of 1861 cost from five to ten billions (billions, not millions) of dollars ; which was, for the time it lasted, three or four times as much as the cost of all the other operations of the government, national, state, and local combined. Even in modern wars, sometimes over one third of the soldiers who take the field, die, either from wounds or from some disease resulting from the hardship. These are facts to keep well in mind

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when pride or a spirit of adventure is rushing a people into an unnecessary war.

**Standing Army.**— Each nation has, in peace or war, its standing army ; a body of men wearing the uniform, living in barracks, and having no occupation but that of soldiers for the time being. Our standing army is comparatively small, about 100,000 men ; and before 1898 about 25,000. But the principal nations of Europe maintain immense military establishments; France and Germany 600,000 men apiece. One of the first things to strike the American's eye in the streets of a European city is the number of soldiers about. In like manner the forts upon our coasts are very small compared with some of the great fortresses of Europe.

It has happened many times in the history of the world that a standing army was necessary to support the government, against the people governed. The Roman Empire was such a government at one period ; some South American presidents now need an army to keep them in office. But in the United States and Europe that is not the purpose of a standing army. We should need none, but for the Indians and our recent partly civilized acquisitions. The present governments of Europe, too, would continue, if the soldiers were sent home.

Why, then, does Europe tax herself double, to keep one tenth of her working male population idle ? Mutual fear. The German citizen can go anywhere unarmed in France with safety, but the German nation does not think itself safe, unless ready to strike at a day's notice. Great Britain keeps her navy larger than those of any other two nations, to resist the combination of any two. We, on the other side of the Atlantic, and with no powerful neighbors, can

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smile at all this ; but it is a very real fact. If all the nations should agree to disband their armies, all would be better off, and safer, too. But no one dares to do it alone. However, that is Europe's problem, not ours.

**National Guard.** — Each state in the Union has a few volunteer regiments, from one to twelve, commonly called the 'National Guard of the State of. . . .' They have uniforms, officers, arms, armories, all the provision for actual war, though the only actual duty they perform, except periodical drilling, is when the governor calls them out to aid the police in suppressing a riot. These regiments are organized militia, and are very different from a standing army. Their members are not compelled to join, can in some states resign at any time when not in actual service, and are free to carry on a regular business ; while a member of the regular army can not resign, and has no other occupation.

The word 'national' in their title is somewhat misleading, as they are state organizations. In ordinary times they are under the orders of a governor, not of the president, and have no connection with the United States Army. But the states have, in times of war or insurrection, and at the call of the president, placed their militia regiments at the service of the United States, and under the control of the president ; and when the United States wishes to increase its army quickly, the militia are asked to enlist in the United States Army.

**Compulsory Service.** — In every nation every able-bodied man may be called on for military service : this is one of the powers the government has over the individual. But in our country there is no occasion to exercise it. Voluntary enlistment has always given the small number of sol-

diers we have needed, except for a short period during the war of 1861. In the South, during that war, the power was freely used.

But the young man of Europe is not so fortunate. In most European countries, even in times of peace, lists are kept of all the young men. When they reach twenty-one years of age, they are required, if able-bodied, to 'serve with the colors' for two or three years, i.e. to join the standing army. After that they go home, to earn a living in some other way ; but for twelve or fifteen years more they belong to the 'reserve,' and are required each year to spend a month or two as soldiers, in order that they shall not forget how.

**No Progress.** — In all the other departments of government the advance in modern times has been striking ; but in the settlement of disputes between nations there has been hardly any. As in the dark ages, a thousand years ago, the only appeal on large questions is to war. The world has found a way to lay a heavy hand on violence by individuals, but it finds no way to stop violence by a nation. The nations not engaged in the war simply stand around and watch, not even enforcing fair play. It is only about a century since Russia, Prussia, and Austria, like robber barons, divided up Poland between them. Law in a nation is full and strong : law between nations is meager and weak. Rights of individuals have some protection, but nobody protects the rights of nations. The methods of war have changed, it is true, but the change is only from one method of killing to another.

Within the nation physical compulsion is giving way to moral suasion. Laws have a greater moral effect than ever ; criminal punishments are less severe ; the rod is not

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used in the schoolroom even as it was fifty years ago ; the insane, formerly shackled, now have mental treatment. But between nations force still seems to be the only thing cultivated or heeded. It is doubtful whether war has diminished much in modern times. Even in the nineteenth century, the greater nations of Europe were engaged in war about one quarter of the time, with the loss of over two million men.

Is war to remain with us always, a necessary evil ? Can arbitration, which so far has had only small questions to decide, be brought to take the place of war on great questions ? Can courts be established to settle the disputes of peoples, as they now settle the disputes of people ? These are problems for coming statesmen.

### SUPPLEMENTARY WORK

1. Name the great wars of the last century. State the evils of war. Give an instance of a just war. Is an unsuccessful war, in any respect, a good to a nation ?
2. What are the differences between a standing army and our uniformed national guard ? Why have a standing army, in any nation, if the militia can be called out at a day's notice ?
3. Give some reasons, besides the evils of war, why arbitration is a better way of settling disputes between nations than war. Why do nations make war instead of settling their disputes by arbitration ?

## CHAPTER FIFTEEN

### TAXES



**Always Taxes.** — Whatever else the government of a country does or does not do, it collects taxes. When Mr. Poorman studies his tax bill each year, and wishes it were less, he may know that he is having the same feelings as the Russian or Chinaman has to-day, as the ancient Greek or Assyrian had at the beginning of history. If war came first, taxation must have been at its heels. When the people of Israel told Samuel that they wanted a king, he told them, ‘He will take the tenth of your seed, and of your vineyards, and give to his officers and to his servants.’

**Sole Support.** — Taxation is practically the sole support of government. Some people who have not believed in fairy tales since childhood, nevertheless look upon government as a sort of Aladdin, able to command unlimited resources in some mysterious way, able to make money out of nothing. This is wrong. Governments, in the United States at least, are paupers. They not only have no magic power; but almost without exception they have no business which yields a profit, no property which

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yields an income. Substantially all they get comes out of private pockets, by taxation. And they live from hand to mouth, getting just enough each year to carry them through the year. The United States government gets about two or three millions each year from sales of land in the West, but it gets nearly two hundred times that amount from taxation. It is true that governments also borrow money, but in the end the money to pay it back comes from taxation.

The same is substantially true of all countries. Sometimes the gold and silver mines belong to the government; sometimes the government has a monopoly of some business, such as the salt or tobacco business; but either these are small matters, or they amount to a form of taxation. The little state of Monaco, a tiny principality lying between France and Italy, is a curiosity, in that the gambling establishment of Monte Carlo pays nearly all the expenses of its government, and the citizen has no taxes to pay.

The Amount of money raised by taxation, and spent each year, by government, in the United States, is probably not far from \$1,000,000,000. A tremendous figure, surely! But the total yearly earnings of the people are probably not far from \$20,000,000,000. Therefore we may say that government in the United States costs only 5 per cent of the earnings;<sup>1</sup> not a high price when one considers all he gets for it. Samuel's king only played the military leader, and charged 10 per cent for it; but government to-day does a hundred or a thousand times as much for half the money. In spite of the fact that we

<sup>1</sup> Taking the average of all classes, poor and rich. A landowner's taxes may, however, be 20 per cent of the income from his land.

in this country are not so careful in public expenditures as European governments, the average taxes in Europe are double ours, in proportion to earnings.

**Kinds of Taxes.**—How is this great sum obtained every year? There are many kinds of taxes, but the principal ones are three: property taxes, import duties, and internal revenue. Most of the money spent by states, counties, cities, and townships, comes from property taxes. The United States government lays no property tax; and most of its revenue comes from import duties and internal revenue.

**The Property Tax** is one paid by property owners only, in proportion to the amount of property they own. It is paid generally once a year: one tax for township, county, and state purposes together.

Let us take a little township raising \$7,500 a year in taxes, and see how the tax of a certain Mr. X, owning a house worth \$5,000 there, is fixed. First, the proper officials determine how much money is needed in the township for its own purposes, how much it must contribute to the county, and how much to the state. (Notice that it contributes nothing to the United States government.) Then other officials, called assessors, make a list of all the owners of land and other property in the township, with the value of what they own. If \$750,000 is the total valuation, and the total amount to be raised is \$7,500, the tax rate for that year is 1 per cent, and Mr. X's tax is \$50. This process is repeated each year.

All land is sure to be on the list; but most of the money investments, like stocks and bonds, escape taxation, because the assessors do not know what people own. In a few states people are obliged to make a sworn state-

ment of what they own, but even that does not catch it all.

**Import Duties** (called also customs duties, or tariff taxes) are taxes laid on goods brought into the country from a foreign country. All vessels coming from a foreign country are obliged to come to some 'port of entry,' where the cargo is examined by appraisers or inspectors of customs. The owner is not allowed to take his goods from the wharf until the duty is paid. Nearly all goods imported into the United States pay duty; from 5 per cent to 50 per cent of their value. Smuggling is the evading of this tax.

**Internal Revenue** taxes are taxes on things made or grown in the country. With us the principal articles so taxed are three: spirituous liquors, beer, and tobacco; selected for that purpose because they are luxuries, which one can do without if he chooses. Internal revenue officers are continually on the watch to prevent this tax being evaded. The 'moonshiner' or 'illicit distiller' is one who makes liquor in some<sup>1</sup> secret place, often by night, with intent to pay no tax.

**Other Kinds.**—In some of our states, there is a poll tax,—i.e. a tax on heads,—in other words a tax on a person without reference to property; but a poll tax is never more than a dollar or two a year. Then there are taxes to be paid when certain kinds of documents are used, such as a deed or a stock certificate. There is also the inheritance or legacy tax, to be paid out of the property of one who dies, and amounting perhaps to 5 per cent or 10 per cent of the estate. The United States

<sup>1</sup> *Excise* is a word sometimes used as equivalent to internal revenue, and sometimes to mean a tax on liquor or the liquor business.

government collects an inheritance tax ; some states collect an additional one, out of the same estate.

**How Paid.**—Property taxes and import duties are paid by an actual payment of money from the owner to the government collector. Some of the other kinds of taxes are paid by the use of internal revenue stamps which have been previously purchased from the government ; as by affixing the proper amount to a deed.

In Europe governments make use of all the taxes named above, and of others which we do not use. Here are some examples of the latter : an income tax, taking from people a certain proportion of their income each year (say 5 per cent) ; a tax, or license fee, for the privilege of carrying on a certain trade (we tax the liquor business only) ; a tax for owning a carriage, or having a servant ; a tax by a city on articles brought into it.

**Diffusion of Taxes.**—Perhaps nine tenths of the people of this country go through life without paying a cent of taxes to any tax collector ; being neither property owners, nor importers, nor producers of anything taxed under the internal revenue law. Yet they have the benefit of government — the poor need it, as much as the rich — and ought to contribute to its support. And this in reality they do, to a greater or less extent. Take the case of a workman living in a tenement house : he pays rent ; that rent would not be quite so much if the owner of the house had no tax to pay. In like manner every one who buys woolen clothes pays a part of the import tax on wool. In this way taxes tend to spread themselves over the community, by the differences they make in prices.

But no system of taxation has yet been adopted anywhere which works without injustice. The subject is a

very difficult one ; to lay taxes which shall be agreeable to pay, fair to all, and not to be evaded.

**Objects.** — Sometimes taxes have other objects besides the raising of money ; such as, a tax on certain imports, laid in order to help those who are making the same kind of things within the country (protection, see p. 222) ; a heavy license tax for liquor dealers to pay (called ‘high license’), laid in order to discourage the business ; or a poll tax, with the provision that a man who has not paid it shall not vote, laid in order to keep the very poor from voting.

**Assessment for Improvements.** — There is another kind of tax on land, called an assessment for improvement. Suppose that a city decides to pave a certain street. The principal benefit comes to the owners of land on that street : they are therefore required to pay the cost, or a certain part of it. This is like a tax, because the government compels its payment ; it is unlike, because the owner gets a certain definite thing for his money. A charge for the use of city water, often called a water tax, is of the same nature.

#### SUPPLEMENTARY WORK

1. Ascertain what ‘farming out the taxes’ means. Do we have any such system?
2. Why do we keep our governments paupers ; i.e. why not make them rich, so that no taxes need be paid ?
3. Do you see any advantage in import duties, over property taxes, or vice versa ?
4. Consult a copy of the United States tariff, and make a list of the articles you eat or wear, which pay import duties.
5. Why are poll taxes made so small ?

## CHAPTER SIXTEEN

### **SOME OTHER THINGS DONE BY GOVERNMENT**

IN this chapter we shall consider certain things done by government, which, important as they may be, are subordinate or accessory to the ten great functions already spoken of.

#### **ABOUT MONEY**

**Coin.**—In every country it belongs to the government to make the coin. For any one else to make it, even of pure metal, is the crime of counterfeiting. This is an ancient function of government, and in museums we see now the very coins, with the ‘image and superscription’ of Cæsar, made nearly two thousand years ago. Now, why does the government do it, and forbid you and me? In order that every one, even the uneducated, may know that the coin is good metal and full weight, or will be generally accepted as good. If the making of money were left free to everybody, there would be so much spurious money that all would cease to serve the purposes of money.

**Paper Money**, which nearly every country uses, is modern,—only two or three hundred years old. With us there are three kinds in common use: (1) United States Notes, which read, ‘The United States of America will pay to bearer . . . dollars’; (2) Silver Certificates, which read, ‘This certifies that there have been deposited in the

treasury of the United States of America . . . silver dollars, payable to the bearer on demand'; (3) National Bank Bills, which read, 'The . . . National Bank of . . . will pay the bearer on demand . . . dollars.' Promises, all three: the first two being promises of the United States Government, and the third, a promise by some bank. At present all three kinds are equal in value, and equal to the coin.

**Legal Tender** is not the same thing as money, but is that kind of money which, when offered (tendered) in payment of a debt, must be accepted. One who borrows money promises to pay back so many 'dollars'; a salary is so many 'dollars'; the workingman's wages are so many 'dollars.' Now when the time to pay comes, may the one who is to pay select any kind of dollars he wishes? No, the law says he must pay in legal tender, if the other one so demands. Of course, it makes no difference to either party when all the kinds of dollars are of equal value. But it has often happened in history that paper money becomes of less value than the coined money, because people are not sure those promises will be kept. These very United States notes were less than half the value of coin in 1864! Therefore, a good government will be very careful about what it makes legal tender. With us, at present, only the coin and the United States notes are legal tender.

**World Money.**—There is no reason why there should not be one kind of money for the whole world, good everywhere. The difficulty is to get the nations, accustomed as they are to their own systems, to make the change. But a start has been made. The franc of France, lira of Italy, peseta of Spain, and drachma of Greece, though issued by

the different countries, and having different inscriptions, nevertheless have exactly the same amount of metal in them, and so are equal in real value.

#### ABOUT PENSIONS

**A Pension** is a sum of money paid each year as a reward for past services. The commonest kind of pension is that paid to a retired soldier; or, if he was killed in war, to his widow or children. Nations generally reward their soldiers in this way. Sometimes, judges, policemen, firemen, receive pensions on retiring, if they have served a certain number of years.

**Amount.**—We are far more liberal—some say extravagant—in the matter of pensions, than the rest of the world. Great Britain spends about one fifth as much as we do. There are about 1,000,000 persons receiving pensions from the United States government, most of them about \$125 a year. Most of our pensioners are ex-soldiers of the war of 1861, and the widows of such soldiers. Every one who served on the northern side three months, and is wholly or partly unable to work, is entitled to a pension. In most countries service alone is not sufficient; something else is required, such as, being wounded, or extraordinary bravery, or service for twenty years, before the soldier or his family is entitled to a pension.

#### IN CITIES

**City Water.**—In country villages the government leaves every one to get his water for his house or cattle as best he may: from a well, spring, or brook. But when the village has grown to be a city, the ground will no longer yield enough water for all the people; and besides, the

wells, springs, and brooks become foul and dangerous to health. And so the city, i.e. the city government, may build aqueducts, reservoirs, and street mains, to bring an adequate and pure supply from some lake or stream, perhaps miles away. The first cost of these works is usually paid out of money borrowed by the city for the purpose. Each householder, if his house has the city water, is obliged to pay an annual water rent (water tax). These water rents, after some years, will have paid the money borrowed. In many places city water is furnished by a private company ; not by the government.

**Sewers.**—City water and sewers generally go together. The city government builds sewers through the streets, to carry off the waste water from the houses and the rain water. The object is cleanliness and health. The first cost of sewers is sometimes paid by the city out of money borrowed for the purpose, and sometimes the people owning property on the street where it runs are specially taxed for it (p. 82). But there is generally no sewer rent ; i.e. no charge for its use.

**Fires.**—In the country village, if your house gets afire, you must put it out yourself, if you can : in a city, the government does it for you, without cost to you. The reason is that every fire is a danger to the whole city. The cost of a fire department, with its engines and firemen, is one of the large items of expense to a city each year.

**Parks, etc.**—Many cities furnish parks, museums, picture galleries, public libraries, for the amusement and education of the people : all free.

**In Other Countries.**—Nearly every city of Europe and North America, of over 25,000 inhabitants, now has city water, sewers, and a fire department. The large, clean

sewers of Paris are noted: you can walk for miles through them. Many European cities do more than ours, furnishing gas, building and managing street car lines, or providing markets.

But in Asia, South America, and Africa, these things are coming very slowly. Pekin, with a million of people, has no city water, no sewers in operation as such, and no well-organized fire department. In Tangier, the most civilized city of Morocco, the water sellers go about the streets with little kegs of water on the backs of donkeys, and the waste water from the houses trickles down the street.

**In Former Times.**—The history of city water and sewers gives a good illustration of ancient civilization, modern civilization, and that great gap of the Dark Ages lying between. In the ancient Greek and Roman worlds (roughly speaking, the countries surrounding the Mediterranean Sea), the government furnished city water, building magnificent aqueducts, and sewers, some of which have been in use ever since. But during the Dark Ages, people generally lived without these necessary things, and most of the former works were allowed to go to ruin. It was only two or three hundred years ago that cities began again to have water works and sewers. In Edinburgh one hundred and fifty years ago, if you were walking along the street, and heard the cry above you 'Gardyloo,' it meant that you must dodge or take a dirty shower bath from some upper window. But the modern civilized world, going beyond the ancient, connects each house with water and sewer, sending the water to the top story.

The fact that government has been, and is, doing more and more of these things for the convenience, pleasure,

and education of the people, is a proof of the continued growth of the feeling, in republics and monarchies alike, that government is for the people. Contrast the public parks, now found in most cities of the civilized world, with that New Forest of William the Conqueror, which he made for the court to hunt in, by driving the inhabitants from their farms and homes, and where the penalty for the killing of a hare by a common man, was to have his eyes put out.

#### ABOUT PUBLIC DEBT

**Almost Every Nation** in the world has a debt: even China and Persia. In our country, the United States government, most of the State governments, all the great cities, and many of the counties and townships, have debts. Different debts are being paid off from time to time, but others are being created; so that public debt continues, and is likely always to be a feature of civilized government.

**Public Debt** is a loan from individuals to some particular government. In former times kings used to extort 'forced loans,' often another name for royal theft; but nobody is obliged to lend to the government nowadays. The government prepares its 'bonds,' and sells them to whoever is willing to buy. Governments ordinarily do not borrow from one another, and the common rule is that most of the bonds of a country are owned in that country.

**The Amount** of public debt in our country is about \$2,000,000,000; half of it owed by the United States government, and the other half by the states, cities, and other local governments. Great as this seems, it is not at all a serious matter. The total is just double the total

taxes we pay yearly; and so by increasing taxes one fifth for ten years we could pay it all off. But there is no wish to pay it off: in some respects a public debt, if not too large, is an advantage to a community, as it tends to make the officials economical. Some of the European countries owe four or five times as much as ours, in proportion to population.

**Cause.**—It is not considered right for a nation or any kind of government to borrow money in order to pay its ordinary expenses, the expenses which occur every year. These should be met by the taxes; and they are so met, with most governments. But extraordinary expenses frequently arise, such as the cost of a war, or the building of a costly schoolhouse by a township. The burden would be too great, if it were all paid at once; so the government borrows the money, and spreads out the payment of the debt so created, over twenty, thirty, or forty years. This is a way to make those who are to come after us pay a part of the cost of something they get the benefit of, as well as we. War is the chief cause of national debt.

**Repudiation.**—There is nothing but honor to prevent a country from saying ‘We will not pay the national debt’: no court can compel payment, and no other country will interfere.<sup>1</sup>

The United States or any state can repudiate its debt; but there are remedies, more or less effectual, against cities and other local governments which try to do so. South American governments frequently repudiate; some European governments have done so; some of our states

<sup>1</sup> Sometimes pressure is brought, when a weak country owes the citizens of a strong one: e.g., the power of Great Britain makes Turkey afraid to repudiate her debts to British citizens.

also; but the United States government has not done so since the adoption of the constitution in 1789.

**Public Honor.**—The history of public debt shows that, with all the other advances in the art of government, there has also been an advance in public honor. Prior to two or three hundred years ago, governments had no debts, because they could not borrow: nobody liked that kind of a debtor. Now the civilized nations, and great cities, can borrow all they care to, at any time; and in Great Britain and the United States, government bonds are considered the safest investment there is.

#### SUPPLEMENTARY WORK

1. Name the coins of the United States. Tell the meaning of various emblems and mottoes on them. How much is the copper in a cent worth? The silver in a half-dollar? Why does the law forbid private persons to make gold coin, of full weight? Is there any additional reason in the case of the silver or copper coin?
2. What is a legal tender dollar? Suppose I agree to pay you a thousand dollars five years from to-day, and before the time comes the government makes a new kind of legal tender dollar, of a different value from those which are legal tender when I make the promise; what is the effect on your pocket? What was the 'continental currency,' and what became of it finally?
3. Have you a city water system in your town? Does it belong to the government, or to a private company? Have you sewers? A fire department? A public park?
4. What is the amount of the national debt of France? Of Great Britain?
5. Why are the bonds of some countries below par, and of others at or above par? In our Civil War gold went to 250: explain the statement, and give reason for the fact. What was a greenback?

## CHAPTER SEVENTEEN

### **WHAT THE PUBLIC MONEY IS SPENT FOR**

ALL the various governments, of cities, townships, counties, states, and the United States, spend money. The following examples will give some idea of the amounts spent, and of what they go for; the first three being examples of yearly expenditure, and the last one of debts incurred for permanent improvements.

(1) During a recent year the United States government raised about \$350,000,000, and spent it as follows:

To pay pensions . . . . .	\$140,000,000
Post office: paid for itself.	
For Army and Navy . . . . .	80,000,000
Foreign relations . . . . .	1,500,000
To pay interest on its debt . . . . .	35,000,000
Various other purposes . . . . .	<u>93,500,000</u>
	<u>\$350,000,000</u>

(2) In the same year one of our largest cities raised about \$45,000,000 in taxes, and spent it as follows:

Police Department . . . . .	\$6,000,000
Courts . . . . .	2,000,000
Public Schools . . . . .	6,000,000
Streets . . . . .	4,000,000
Asylums and Hospitals . . . . .	3,000,000
Interest and part of city debt . . . . .	8,500,000
Fire Department . . . . .	2,500,000
City's share of state expenses . . . . .	6,500,000
Various other purposes . . . . .	<u>6,500,000</u>
	<u>\$45,000,000</u>

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(3) A little township of 500 inhabitants might show the following raised and spent :

For support of poor . . . . .	\$ 150
For schools . . . . .	3,500
For roads . . . . .	1,000
Its share of state and county expenses . . . . .	1,500
Various other expenses . . . . .	1,350
	<hr/>
	\$7,500

(4) The following, an actual case, will serve as an example of a city debt, and the purposes for which it was incurred : a city of 50,000, situated on a river :

City water : reservoir, mains, pumping station, etc. . .	\$1,153,000
Schoolhouses . . . . .	550,000
Street making and paving . . . . .	400,000
Sewers . . . . .	175,000
Public Parks . . . . .	150,000
City Hall . . . . .	120,000
Public Dock . . . . .	58,000
Fire houses: engines, equipment, etc. . . . .	52,000
Public Bath houses . . . . .	15,000
Crematory, for burning garbage . . . . .	8,000
Recreation Pavilion, on the river bank . . . . .	2,500
Sundry other purposes . . . . .	<hr/> 337,500
Total debt of the city . . . . .	\$3,021,000

## CHAPTER EIGHTEEN

### EIGHT THINGS GOVERNMENT DOES NOT DO

**Work.**—Government compels no one to work ; that is the rule. I do not mean that government has not the power to compel people to work, but simply that it does not use the power. If I want some one to work for me, I look for the willing man ; and so does the government. The rich man or the poor man may live all his life in idleness (I do not speak of the folly of such a life). A workman may work at his trade or not : and even if he breaks his agreement with his employer, the government will not send him back. To be sure, work is the only way to get wages, but necessity is considered a better taskmaster than government would be. There are a few exceptions to the rule that government compels no one to work ; such as the compulsory military service of Europe, or the work of criminals in prison.

Perhaps governments never did force one to work simply for his own benefit. But up to the time of Christ one half of the people of the known world were slaves ; which means that they were forced to work for the other half, and that, too, without wages. There have been governments, like that of Sparta, a city of ancient Greece, where even the free people were forced to work for the government. Taken in charge when boys, by the government, they spent all their lives in war, and exercises preparing for war.

**A Living.**—Government gives no one who is able to work, a living : each person, whether man or woman, must earn his own living. Children must be provided for by their parents, rich or poor. The government pays salaries to its officials, it is true ; but that is not giving, it is paying for services rendered. Even pensions are more like pay than like gifts ; for they rest upon valuable service rendered.

This matter of gifts was different in former times. Kings, even only three or four hundred years ago, gave away money and land to their favorites, as they pleased. For centuries, in Rome and other cities of the Roman Empire, the government distributed food regularly to the common people ; so that it was even possible for them to live without working at all. In monarchies now, the royal family, extending even to cousins, is supported by the government. The royal family of Great Britain costs the nation several million dollars a year.

And where did they get the money, the land, the bread, to give away ? They took them from other people. Sometimes they took from some of their subjects by excessive taxes ; sometimes they took from conquered countries. The city of Rome grew rich out of the taxes she made the rest of the world pay.

**Residence or Travel.**—In this country not only may one live in any state or town he pleases, but he may change as often as he pleases, and even leave the country for good. The same is generally true of Europe, except that Russia and Turkey do not allow their people to emigrate, if they can prevent it, and in some of the countries the military service tends to prevent it. This liberty of action is modern. Up to the fifteenth century, under either slavery or serfdom, which was a modified slavery, a large part of the

population of Europe lived where their masters placed them, were 'bound to the soil.' Even now the peasant of Russia must obtain permission of the government to live elsewhere than in his native village.

**Business** is free. Nearly every kind of trade or profession is free to every one who wishes to engage in it. The government requires no preparation, and licenses no one to be a carpenter, bridge builder, minister; but leaves every one to choose for himself what he shall make of himself, and to change from one occupation to another, if he wishes to. And so it is in Europe, also.

There are a few exceptions to this. Any one, man or woman, may prepare to be a doctor or lawyer, but before he is allowed to practice, he must study two or three years, and pass an examination. In many states, also, one must obtain a license in order to act as engineer, or pilot.

Up to about a hundred years ago, the case was quite different. Business was not free. Many of the trades had their associations, called 'guilds,' such as the carpenters', wheelwrights', fishmongers', cloth merchants' guilds, and so on for fifty or one hundred more. None but members of the proper guild were allowed to engage in any of these kinds of business; and it took a seven years' apprenticeship to get into the guild. Those were the times of monopolies, too,—I am speaking of Europe from 1000 to 1800 A.D.,—when the king would grant to some one the sole right to do a particular business, such as to sell starch, or to make playing cards. Being free from competition, the owner of a monopoly could charge high prices, and some monopolies became very oppressive.

**Prices.**—Government does not fix prices. The baker may ask five dollars a loaf, if he can find any one to pay

it ; the land-owner may sell his city lot for fifty cents if he chooses. Government does not interfere with bargains, fair or unfair, but leaves every one to look out for himself. There are a few exceptions to this, such as laws limiting railway charges, or the rate of interest.

Here again, we find it different up to a century ago. Prior to that, governments from time to time tried to regulate prices by law, especially for articles of food in times of scarcity. But the government always found that such laws were exceedingly difficult to execute.

**Manner of Living.**—Government and law nowadays have nothing to do with such matters as dress, eating, the kind of house one may live in, how much one may spend, the kinds of amusement one may take, whom one shall associate with. All such things (you can think of many more) belong to the individual. He may do as he likes, so long as he does not make a public disturbance.

And this also was different in former times. Governments have in the past tried to force people to be economical: laws for this purpose being called sumptuary laws. There were laws of ancient Rome, that a woman's dress should be all of one color, that only a certain amount should be spent upon a dinner, and others of that nature. An old law of England forbade the eating of pies and baked meats, as too luxurious. Up to a few hundred years ago, in many countries, the common people were compelled to wear a certain form of dress to distinguish them from the upper classes.

**Freedom of Speech.**—In the United States any one may print or say whatever he chooses, so long as he does not utter falsehoods to injure another. No permission of the government is required for the making of any speech

or the printing of any book or newspaper. The government even allows perfectly free criticism of its own actions. This is freedom of speech and press, which we have always had, which our constitutions seek to protect (pp. 284, 287), and which is one of our most cherished possessions. In Great Britain both tongue and press are free; on the continent generally they must be careful not to offend the powers that be; in Russia they are muzzled.

A hundred years ago, in Europe generally, criticism of the government was not allowed. There existed, in most countries, a censorship of the press, which meant that nothing could be printed without being first submitted to some government official. He could forbid the publication, if he found anything there which he thought contrary to the interests of the country. It is only a few centuries ago that criticism of the king or his government was treason, and meant the dungeon and the block.

**Religion.**—In Europe and the United States, government does not concern itself with the religion of the inhabitants. Any one may believe what he can or likes to believe; may go to church or stay at home; may contribute to the church or not, as he pleases. I am not saying what one should do; simply that government does not compel him. This is religious freedom; which we strive to protect in our constitutions (pp. 284, 287).

But prior to the seventeenth century, religious freedom was a thing hardly known in the world. People were punished for not believing in the religion of the country. Socrates was put to death for that. Early New England persecuted the Quakers. The burning of heretics in Spain, under the Inquisition, did not entirely cease until about the beginning of the nineteenth century.

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In our country, the government not only has nothing to do with your religion or mine, but it has nothing to do with the churches. It neither manages them, nor gives them any aid, except that church property is usually exempt from taxation. In our early history, the churches received some support out of the taxes, but now they are supported voluntarily by the people, and the separation of church and state is complete.

Europe does differently, however. In some countries, a particular denomination receives money from the taxes, as, up to recent years, the Episcopal Church in England ; in others, the government gives aid to several, as in France, where Protestant, Catholic, and Jewish churches all receive some of the public money.

**Help and Freedom.**—In preceding chapters we have seen how much more government does to aid the individual in these days, than formerly it did. In this chapter we see the far greater liberty of action it leaves to him. These are the two broad political movements of modern times ; the two lines along which the art of government has advanced ; and both unite in the one purpose of government for the people.

### SUPPLEMENTARY WORK

1. Name instances, not mentioned in the text, of governments compelling people to work; in history or at present.
2. Why should not the government give every one a living?
3. What is an immigrant? An emigrant? From what countries do we at present receive the most immigrants? What sort of immigrants do we refuse to receive, and what is done when they land here?
4. Why should not the law regulate such matters as dress, eating, etc.? Name matters of individual life, not mentioned in the text, which government does not regulate.

## CHAPTER NINETEEN

### VOTERS AND ELECTIONS



**Who may Vote.**—The right to vote, called also the right of suffrage, or the elective franchise, belongs in most of the states to those males who are (1) citizens of the United States, (2) twenty-one years of age, (3) not criminals in prison, idiots, lunatics, or paupers living in a poorhouse, (4) if they have lived in the state a certain time before the election, commonly six months or a year. In some states one also loses his right to vote for a few months by moving from one election district to another in the same state. In about half the states women may vote on questions about schools or taxes, and in four of the far western states they may vote in all elections the same as men.<sup>1</sup> A few states provide that only those shall be voters who can read and write, or who pay a certain small tax.

The United States is said to have universal suffrage. In reality, of course, since the women, children, and aliens are left out, five sixths of the population have no vote; but the suffrage is called universal, because in other countries and in former times the right to vote has been

<sup>1</sup> Colorado, Utah, Idaho, and Wyoming.

often restricted to certain classes, such as property owners, for instance. ‘Manhood suffrage’ is another, and a better term, for what we have.

**Other Countries** have voting and elections. Some European nations have universal suffrage: nearly all of them have voting to some extent. Great Britain is even introducing the vote in India. New Zealand and part of Australia have complete woman suffrage.

**Equal Voting Rights.** — With us, each man has one vote: one vote for each of the offices for which the election is held. The votes of the rich man and the poor man, of the ignorant and the learned, are equal.

In some countries of Europe, one man’s vote counts more than another’s; perhaps twice, perhaps ten times as much. In Prussia, the people are divided into three classes, according to the amount of taxes they pay: the rich, the well-to-do, and the poor; and each class elects the same number of representatives to the legislature. If a hundred rich men elect as many representatives as a thousand poor men, the rich man’s vote has ten times the power of the poor man’s. In Belgium, each man has a vote; but if he is over thirty-five, and has children, he has an additional vote; if he is a professional man, he has still another vote. The Belgian rule has much more to be said in its favor than the Prussian; but the people of the United States believe in neither, but in strict equality.

**Not Compulsory.** — No voter is obliged by law to vote. We depend upon the general public interest, to induce men to vote. This is also the general rule all over the voting world, though not universal. But there is a moral duty to vote; and one who shirks it through indifference or laziness

is injuring his country. For how shall we have government by the people if the people will not govern?

**What we Vote for.** — The two things for which the vote can be used throughout the United States, are to elect public officials, and to vote on constitutions. Perhaps you ask, How else could it be used? In ancient Greece, the citizens of a whole city met together, to make laws, to decide the question of war or peace, to do other acts of governing. This is what is called ‘pure democracy,’ or government by popular assembly. It was practicable in Greece, where each city was small and independent; but it is evident that in large communities, like our states or cities, the people could not get together in popular assemblies. And so the ‘representative democracy’ or ‘republic’ arose, in which the people govern, not in person, but by representatives elected by them.

But there is another way in which the vote could be used. Proposed laws could be submitted to the people, to be approved or rejected by them, after they had been passed by the legislature. This is called the ‘referendum.’ It is used in Switzerland. Proposals to adopt it here have been made, but no state has yet adopted it.

And there is one other way in which, in some of the northern states, the voter does use his vote. It is in town meeting or school meeting; voting not only for officials to be elected, but for or against things to be done by them (p. 135). This is really an approach to pure democracy.

**Vote and Submit.** — The vote is one of the piers upon which the whole arch of government by the people rests; for it is hard to conceive of a people governing without voting. But there is no such thing as an arch resting on one pier; and there is no such thing as government by

the people without submission to the will of the majority. The United States has more of the spirit of voluntary submission to the majority than any other country. European statesmen are astonished to witness the great excitement preceding our presidential elections, and the perfect calm following them : an example of American respect for law. When a country elects such bad officials that insurrection is better than submission, government by the people is a failure, and the country needs a monarch.

**History of Voting.**— Voting is not an invention of the modern world. Originating thousands of years ago, it vanished from the earth about the beginning of the Christian era. It first appeared again in England, about seven hundred years ago. Then it was that the middle classes, the common people, sent their own elected representatives to Parliament, and called them the ‘House of Commons.’ And the idea grew.

When the settlement of this country began, about three hundred years ago, the founders of the colonies offered, as an inducement to colonists, a share in the government, i.e. the right to vote. And so we have had voting from the beginning. In all the thirteen colonies, the lower house of the legislature was elective.

But universal suffrage is a child of the last century. Prior to the French Revolution of 1789, there was hardly any voting in Europe, except in Great Britain ; and even there it did not play one quarter of the part it now does. But since then, it has spread through all Europe ; and in all countries the franchise has been gradually extended to more and more people. Even with us, a hundred years ago, those who paid no taxes, or could not read or write, had no vote.

**Election Day** in most of the states comes once a year, early in November. The national, state, and county officials to be elected in a year are elected that day. Cities and other local divisions sometimes have an additional election day, for local officials, in another part of the year. Almost everywhere the voting is by ballot. A township or city is divided up into districts, so that only two or three hundred people vote at the same place. The polling places (voting places) are under the charge of officials called 'inspectors of elections' or 'judges of elections,' and are kept open all day. One may vote at any hour. A clerk takes down the names of those voting, so that there shall be no 'repeating,' that is, voting twice by the same person.

The inspectors have no right to refuse the vote of any one who shows that he is qualified to vote. Any person may challenge his right, when he offers to vote, and he must then answer the questions put to him by the inspectors, about his age, how long he has resided in the district, etc. If his answers show that he is not a qualified voter, his vote must be refused; but if they show that he is qualified, his vote must be accepted, and no one is allowed to prove at the time that what he says is not true. If it be false, he may be punished afterwards.

In cities generally a list of qualified voters is made up before the election, and no one may vote whose name is not on the list. This is 'registration.' In about half the states registration is required, city and country alike.

**Citizenship** and the right to vote are not the same. A citizen is one born or naturalized in this country: an alien is a citizen of another country, whether living here or not. So women and children are citizens, though not voters. On the other hand the right to vote may be

given to aliens, and in fact some states do give it to aliens living here, who have declared their intention to become citizens (see below). In the ordinary matters of life, in times of peace, the only important difference between the rights of an alien and of a citizen, is in the right to vote and to hold office.

If one is a citizen of the United States, that fact makes him also a citizen of the state in which he lives. He can not be a citizen of two states, nor have the right to vote in two states, at the same time. If he has his home in one, and his business in another, he is a citizen of the state where his home is. By changing his home he instantly changes his citizenship to the new state.

An alien can not be compelled to become a citizen ; but he can make the change himself, and the process (called naturalization) is not difficult. Two things are necessary : five years' residence in the country, and a declaration by the alien before a court that he wishes to become a citizen, made at least two years before he applies to the court for admission. Thus the process requires some settled purpose, for the alien must wait five years after coming to the country, and he must wait at least two years after making the declaration, though he may make the declaration at any time during the five years or afterward. Naturalization is used much more in the United States than in Europe.

#### SUPPLEMENTARY WORK

1. Mention the qualifications required for a voter, and give a reason for each. What are the qualifications in your state?
2. Give reasons for and against all men's votes being equal. Give reasons for and against only taxpayers having the vote. Same, as to woman suffrage.

3. What is the difference between a 'pure democracy' and a republic?
4. When does general election day come in your state? Is it a holiday?
5. Describe the difference between citizenship and the right to vote.
6. Is government by the people possible, without the right to vote? Why?

## CHAPTER TWENTY

### STATE CONSTITUTIONS



tions, etc. But, as political bodies, it would be an error to liken our states to either the counties of England or the departments of France. In England and France the divisions are, in the main, nothing more than geographical: but each of our separate states is a political unit, distinct from, and in some respects independent of the nation. It is the purpose of this chapter and the two following, to show how these forty-five political units have for some purposes each a separate existence, and for others are combined into one nation.

A **Constitution** is, in the United States, a written document, adopted by a people, and providing the outlines of a form of government. The people of each state are under two: the United States constitution, operative over the whole country, and the state constitution, operative over that particular state. But neither the one nor the

On the Map of the continental United States, you find forty-five states.<sup>1</sup> All countries are, in like manner, divided on the map: England into counties, France into departments, Switzerland into can-

<sup>1</sup> Besides five territories, New Mexico, Arizona, Oklahoma, Alaska, and Indian Territory, and the District of Columbia.

other of these two should be thought of as laying out a complete form of government, i.e. as covering the whole field of government: they are only, as we may say, half constitutions, each with its own part of the field, and the two acting together, like the two parts of a hinge, to make a complete system for the state. It would be hard to say whether the United States constitution or the state constitution is the more important document to the people of a state. There were state constitutions before there was any United States constitution: we will consider the state constitutions first.

**Adoption.** — Most state constitutions are adopted by the people of the state, voting directly upon the question. A convention is elected by the people of the state for the purpose of framing a constitution, and when their work is done, the people say whether they will or will not have the proposed constitution. In a few cases the constitution was adopted by the convention, and not submitted to the people. There is no higher act of self-government than this making of constitutions by the people themselves, thus building or altering the very foundation of their form of government: an act going on continually with us, but entirely unknown in the great countries of Europe, even in Great Britain or France.

While each state is at liberty to adopt such constitution as it chooses, not inconsistent with the United States constitution, there are two cases in which the United States government has something to say about state constitutions. First, the United States constitution allows Congress to form states out of the territories, but no state is formed and admitted into the Union until its people have adopted a constitution acceptable to Congress; and Congress makes

actual use of its power to control the character of the constitutions of new states. Second, the United States constitution guarantees to each state a republican form of government. If, for instance, a state should attempt to abolish voting, probably the United States government could interfere to prevent it. But we need not consider what would happen in such case, for no state has ever attempted to adopt any forms but those of republican government.

**Origin.** — The first state constitutions were daughters of the Declaration of Independence. The people of the thirteen colonies, acquainted with self-government, were also already familiar with the idea of government by a written document, in the charters which some of the colonies had. So when independence cut them off from their former government, what more natural than for them to say, ‘We will make a plan of government for ourselves, and put it down in writing’? Within a few years eleven of the thirteen had adopted constitutions : the other two, Connecticut and Rhode Island, already had charters which were in substance the same as constitutions.

The similarity of these constitutions to one another is a very notable fact. Here were thirteen groups of people, entirely free to act on different lines : that they acted alike shows that they were even then really one people in thought and feeling. They all wanted government by the people, and they all took practically the same methods to carry it out. Since then, many other constitutions have been added to the list, as new states have been admitted. And to-day our forty-five state constitutions, some ten pages, some two hundred pages long, and differing widely in detail, are in their principal aims and provisions the same. This is an illustration of the unity of political sentiment which

exists throughout our country, and which is one of the most important elements of our strength as a nation. Germany is considered a united nation, but its political state systems vary from republicanism in Bremen to nearly absolute monarchy in Mecklenburg.

**Contents.** — On pages 287 et seq. is an abstract of one of the present state constitutions. Take it as a sample of all. In it, as in every other one of our state constitutions, with very few exceptions, may be found the following seven main features. (1) It creates a state legislature, describing how its members are to be elected, and making certain rules for its proceedings. (2) It forbids the legislature to do certain things (3) It says who shall have the right to vote in the state. (4) It provides for the election or appointment of certain officials, chief among whom is the governor, with his power of veto. (5) It creates the principal courts, describing how their judges shall be elected or appointed. (6) It contains a statement of certain rights of the people, commonly called the ‘the bill of rights.’ (7) It provides the way in which it may itself be amended or revised.

**Power of the Legislature.** — The first one of these seven features is far and away the most important. We ought to get a clear idea of the relation of a state legislature to the constitution of the state. As the constitution creates the legislature, it is from that constitution that the legislature gets all its power. But the constitution is only an outline : it leaves to the legislature the duty of attending to the ten thousand details. The People of a state may be compared to the Board of Directors of a railroad, who meet now and then and make general rules ; while the legislature is like the Superintendent or General Manager,

who appoints the ticket agents, conductors, engineers, brakemen, etc., and directs them what to do in carrying on the business. When a state constitution says 'The legislature shall consist of the senate and assembly,' there is implied these words: 'with power to create any office and to make any law not inconsistent with this constitution.' To be sure, the people in their constitution appoint other agents, like the governor or the courts, and these agents are independent of the legislature in the duties the constitution gives them. But the legislature has all the powers — and they make a multitude — not given to some official created by the constitution.

See how much legislatures do. A constitution is a few pages long : the statutes of any state, often called 'acts of the legislature,' make hundreds of pages every year or two. Where the constitution creates one office, the statutes name a hundred ; where the constitution names ten rights of the citizen, the statutes describe ten thousand. Take crimes, for instance : what a constitution says on that subject will hardly fill a page ; but the description of all crimes, their punishment and the methods of trial, in the statutes, will make in any state several volumes. And so with a hundred subjects : elections, roads, public schools, the government of cities, wills, insurance, banking, marriage, taxation, etc., etc.

**Restraining the Legislature.** — But the people of the state, having appointed their general manager, in the same document tell him things he must not do. Sometimes you will find these restrictions in express words, as where the constitution says, 'No private or local bill shall be passed' on certain subjects. But every clause in the constitution means a 'shall not' for the legislature.

Thus where it says, ‘the right of trial by jury remains inviolate,’ it means the legislature shall pass no law which takes away that right ; where the constitution creates an office, the legislature can not abolish it.

The bill of rights (p. 287) contains many restrictions of this kind. It comes from some ancient statutes passed by the English Parliament, to protect the people against their king. With us, it is the people of the state protecting themselves against their own elected legislature. The danger it is meant to provide against is the exercise of power arbitrarily, a danger which has been decreasing every decade, as popular government has advanced.

And this brings us to the idea of an unconstitutional law : which is a law passed by the legislature, although forbidden by the constitution. Such a law, in the United States, is void, no matter how innocent or good its purpose. It is not law ; and you and I may disregard it, as if it did not exist. Let us take a case. Most of the state constitutions say something like this : ‘Every person may freely speak, write, and publish his sentiments on all subjects.’ This means, among other things, that the legislature shall pass no law establishing, what some countries of Europe have, a censorship of the press. If, in spite of such a clause, a legislature should pass a law forbidding any one to publish a book until some official had approved of it, you and I might defy it. If arrested or sued for violating such a law, the court would be bound to discharge us. Our courts are frequently rendering decisions that certain laws are unconstitutional and void. And so the courts are the guardians of the constitution.

**Amendment.**—Each state constitution provides a method by which it may be amended : and the constitutions are

often amended, or new ones adopted. An amendment must be adopted by the people of the state. Different methods of proposing amendments are provided: sometimes they must first be passed by the legislature, sometimes by two successive legislatures, before being submitted to vote of the people.

**The Written Constitution** originated in this country : it is a gift by America to the world, which the world is step by step accepting. Any country can be governed without a written constitution : even government by the people does not require one. What is called the British Constitution, an indefinite bundle of principles coming from different sources, is nowhere written down as a document : people differ as to whether certain principles are a part of it or not.

English statesmen are quite likely to think that their system of an unwritten constitution is better than ours. We need not claim that a written constitution, to be changed only by the people, is the touchstone of liberty, nor the best means of government, for all nations, at all times. But it was a very appropriate means for our states to adopt, and has served an excellent purpose.

**Europe.** — To be sure, all the nations of Europe — except the despotisms, Russia and Turkey — are said to have constitutional government, and to possess something they call a constitution ; but the word has a different meaning over there. With us, the constitution is the source of all power, or rather is the voice of the people, who are the source of all power ; and the legislature, governor, and all other public officials, get their powers from it. Not so in Europe. In Great Britain, Parliament is the source of all power : Parliament made a large part of the constitution ; and Parliament has the power to change any part of the

constitution, though seldom doing so. In France the legislature can change the constitution. In the monarchies of Europe, the constitution is something 'granted' by the monarch; the monarch does not get his power from the constitution; and the people do not feel sure but that the monarch may have the power to withdraw what he has granted. Occasions have arisen lately when the monarch has acted contrary to the constitution. Little Switzerland's constitution comes nearest to our idea of a constitution as the voice of the people, for only the people can change it.

In no country of Europe, not even Great Britain, have the courts, as with us, power to declare that a law once passed by the legislature is not law, but is void. Our idea of a legislature is that of an agent allowed to do many things, and told not to do certain things. Europe's idea is that of a master with absolute power — where he is not struggling with another who wants to be master: the monarch.

**But the Territories**, the District of Columbia, the Philippines, and certain other islands recently acquired by us, have a very different basis of government from that described above for the states. They have no constitutions adopted by themselves; but are entirely under the power of Congress. To some, Congress has granted a degree of self-government, allowing them to elect legislatures and certain officials; some are still under the control of the military; but in all, Congress may change the form and method of government at any time. Our aim undoubtedly will be to extend self-government, as fast as the people become fitted for it. Cuba may be described at present as an independent country under our supervision.

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### SUPPLEMENTARY WORK

1. What was the first written constitution known to history? (See history of Connecticut.) Was the Declaration of Independence a constitution? How many constitutions are there in the United States?
2. When was your state admitted into the Union? Does its constitution contain the seven features mentioned on p. 109? Point them out.
3. Name some particulars in which your state constitution puts restraints on the legislature.
4. What is meant by a court being the 'guardian of the constitution'? Are the courts guardians of the constitution in Europe? Why?

## CHAPTER TWENTY-ONE

### THE UNITED STATES CONSTITUTION

**1776 to 1789.**—The Declaration of Independence was made in 1776: the United States constitution did not go into operation until 1789, thirteen years later. What was the country in the meantime: one nation, or thirteen? The question has been hotly argued, but we need not enter into it here. The states were neither completely independent of one another, nor were they firmly united together. There was a general feeling throughout the country that they ought to be, and were at heart, one nation; but as yet there was no successful plan of operation as one nation, and, with their varying interests and ambitions, it seemed doubtful whether any plan could be successful. The small states were afraid of being swallowed up. The country was like a lot of bricks piled up, but without the mortar to make them into a wall.

The first plan of union they tried was a failure. They made what they called ‘Articles of Confederation and Perpetual Union,’ but this union, ‘The Confederation’ as it was called, left the states free to refuse money for the common cause, and free to quarrel among themselves: both of which they freely did. About 1785 it began to be evident that there must be a stronger bond to bind the states together, or they would fall apart permanently. A common toast at dinners was, ‘Here’s to a hoop to the barrel.’

To try to supply this, a convention met in 1787 at Philadelphia, deliberated for four months under the leadership of Washington, and produced the constitution. Time has proved it to be the most successful document of its kind ever written; but it was far from certain at first whether the states would accept it, and in five of the thirteen it was adopted by a very narrow margin.

Some people, foreigners frequently, misconceive its nature and purpose; thinking that all government in the United States is derived from it, and that the states are but geographical divisions. It is not the foundation of the states, but something both less and better, the bond of union between self-governing states.

The Essence of the constitution lies in these three things: (1) it creates a national government, (2) it takes from the states and gives to the national government those functions of government likely to cause disunion if left to the states,<sup>1</sup> and (3) it makes the national government entirely independent of the states.<sup>2</sup> I use the present tense, for that is what it is doing to-day, as well as what it accomplished in 1789.

**National Government.**— When the convention of 1787 met, one of its earliest acts was to resolve that ‘a national government ought to be established.’ This did not mean that the states should be destroyed. It meant that the central authority should be a government with powers of its own over individuals, instead of a mere compact between governments, as the Confederation was. All were agreed that no more power should be taken from the states than

<sup>1</sup> With some others, in which the advantage of a uniform rule for the whole country is very great (see Chap. 22).

<sup>2</sup> For the text of the constitution see pp. 274–286.

was necessary to make the union firm. Many were afraid of a national government, with even limited powers; afraid that it would lead to monarchy. But the new idea prevailed. The Confederation had but one branch of government, the Congress. That Congress did not represent the people as a nation, but the states as states. In it each state had one vote, little Rhode Island as well as great Virginia; and each state controlled its delegates in the Congress. But the constitution creates a government with three branches: a legislature representing in the main the country as a unit and not as states, a president with an army at his back, and a system of national courts.

**Causes of Disunion Removed.**—Those functions of government which, left in the states, would be causes of disunion, and which the constitution gives to the national government, are principally three: the management of all foreign relations, the making of war, and part of the taxing power, namely, the power to tax imports. We can easily conceive that these thirteen little commonwealths, some or all, would have been easy prey for Great Britain or France, if each had retained the power to make treaties, or to make war. As to import duties, even then they were causing a growing animosity between the states, as the states were taxing imports from one another. But the constitution puts an end to all danger of disunion from these causes, by the following provisions:

‘The president . . . shall have power . . . to make treaties, . . . shall appoint ambassadors, . . . shall receive ambassadors’—Art. II. ‘The Congress shall have power . . . to declare war, . . . to raise and support armies, . . . to provide and maintain a navy’—Art. I., sec. 8. ‘The President shall be commander in chief of the army and

navy of the United States' — Art. II., sec. 2. 'No state shall enter into any treaty, alliance, or confederation . . . No state shall, without the consent of Congress, . . . enter into any agreement or compact with another state or with a foreign power' — Art. I., sec. 10. 'No state shall, without the consent of Congress, . . . keep troops or ships of war in time of peace, . . . or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay' — Art. I., sec. 10. 'No state shall, without the consent of Congress, lay any imposts or duties on imports or exports' — Art. I., sec. 10.

**Independence.**— But it would have done little good to create a national government and bestow powers upon it, unless such powers were to be used independently of the state governments. The old Congress had most of the powers named above, but it was obliged to ask the states for money and troops ; which they so frequently neglected to supply, that it taxed the genius of a Washington to win the Revolution.

But under the constitution the national government orders individuals, not states. It asks permission of no state or city to carry on its operations there ; it acts through its own servants, the postmasters, president, collectors, etc. ; and does its work as if all city, township, county, and state lines on the map were rubbed out. The 'Postmaster of Chicago' is really the 'United States Postmaster at Chicago.'

And the heart of its power is the right to tax individuals, the lack of which was the heart of the Confederation's failure. Even the power to raise and command an army is useless, unless you have the means to pay the men. The Confederation found that the power to borrow money was

not enough. But under the constitution Congress can raise as large an army as it chooses, tax the people to pay for all the operations of government, and collect the money through its own collectors. It thus has the means to carry out anything it determines to do, and the resistance of any single state is useless. And so it is that a single little clause in the United States constitution gives life to the nation : ‘The Congress shall have power to lay and collect taxes.’

**Supreme.** — ‘This constitution, and the laws of the United States [i.e. of Congress] which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.’ — Art. VI. Hence any act of a state legislature, or any part of a state constitution, which conflicts with any part of the United States constitution, or with any law of Congress, or with any treaty made by the United States, is void.

As a state constitution is superior to a state legislature, so the United States constitution is superior to Congress. Congress can not change the constitution, and any act of Congress going beyond the constitution is void.

The citizen has the same right to defend his rights under the United States constitution, as has been described in the last chapter with regard to state constitutions. When he is sued or arrested, the court must decide any question of constitutionality raised. And so we may have some lower state court deciding, for instance, that a clause of the constitution of its own state is void, because it conflicts

with the United States constitution, or that an act of the president of the United States is void, because the United States constitution does not authorize him to do the thing.

**Amendment.**—The United States constitution can be amended, but the process is difficult. The amendment must be first proposed (i.e. passed) by Congress, and then adopted in three fourths of the states. Hundreds of amendments have been suggested in Congress; only fifteen have been adopted. Slavery is the only subject upon which any great change has been made since the beginning. The constitution as adopted kept the slave a slave; the last three amendments raised him to freedom and equal rights with all.

**Merit.**—There is probably no document of the kind which receives greater respect, I may say reverence, from the people whom it affects, than the United States constitution. There is none that the world has so honored: it has been a model for constitutions everywhere. An eminent Englishman says, ‘It ranks above every other written constitution, for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language.’ (Bryce.)

We frequently hear it called the ‘charter of our liberties.’ Not a charter exactly, for that is something granted; and the constitution granted no self-government, no rights, no liberty, that the people did not have before. It did what it aimed to do, as expressed by its preamble: namely, it made secure the blessings of liberty by forming a more perfect union. It is not without meaning that ‘The Union’ has come to be a name for the nation.

SUPPLEMENTARY WORK

1. Debate this point: the United States was a single nation between 1776 and 1789.
2. Name some things which might have happened, if the United States constitution had not been adopted.
3. Which were the large states, and which the small ones, in 1789?
4. What is the most important clause in the United States constitution? Why?

## CHAPTER TWENTY-TWO

### FEDERALISM, OR NATION AND STATE

**What Federalism Means.**—Our discussion of the United States constitution in the last chapter shows why the United States is called a federal nation. A federal system supposes a number of separate governments, and binds them into one, by taking from each a part of its sovereignty—or in other words, the right to govern on certain subjects—and bestowing it on some central authority, often called, as with us, the federal government. A centralized system, the opposite, centers the whole sovereignty in one authority, an absolute king, or an absolute parliament.

There can be federal monarchies as well as federal republics, and centralized republics as well as centralized monarchies. Germany, an empire, is a federation of Prussia, Bavaria, etc. Switzerland became a federal nation long before government by the people was finally and fully established there. On the other hand, France and Great Britain, both practically republics, are centralized. A country comes to be federal or centralized not because it chooses one way or the other in the beginning, but by growth. France and England have been centralized for hundreds of years; the history of Germany and Switzerland has been the gradual union of independent states; in 1789 our only choice was to be federal or nothing.

A question which frequently comes to plague federal nations is this: Since a state came in voluntarily, may it withdraw at will? That was a burning question with us up to 1865, the end of the Civil War, but no one raises it now. The nation has accepted the description of itself as 'an indissoluble union of indestructible states.' (Seward.)

**Progress toward Centralization.**—Federal nations tend to grow centralized. This tendency has been strong with us ever since 1789, and is only the natural result of the increase of railways, mail facilities, telegraphs, newspapers, trade, and other things which cause people to know each other better and to think alike. While the form of the national government has not changed, the spirit of the country beneath the form has changed much. The love and respect which the citizen yielded one hundred years ago to his state, he now yields to the nation. We say, 'The United States,' instead of 'these United States.' In 1800 there were several states in which the governorship carried more honor than the presidency of the Union. The word 'nation' was then but seldom used; while the word 'state,' which formerly meant a nation, has now come to mean, in the popular mind, a part of a nation. The war of 1861 gave a powerful impetus in this direction, by removing the questions of slavery and secession.

Our form of government can be further centralized only by amending the United States constitution, so as to give the national government a larger share in governing than it now has. Some of the subjects upon which Congress now makes the law were given to it for the sake of having a uniform rule throughout the country, such as naturalization, patents, bankruptcy (Art. I., sec. 8); there are a great many others in which the advantage of uniformity

would be perhaps as great, such as marriage, divorce, deeds, and wills. But American belief in local self-government has so far kept these latter under the control of the states.

In any event large changes in the constitution had best come slowly. Stability is one of the great merits of American government, and great changes made suddenly bring instability. France one hundred years ago leaped from monarchy to democracy. Since then she has had three republics, two empires, a constitutional monarchy, and trouble all the time. Great Britain and Switzerland, the two best-governed nations of Europe, are very conservative about making great changes.

**National Independence.** — In a federal system, the national and state governments must each be independent of the other in its own field. We have seen, in the last chapter, how the United States constitution makes the national government independent.

**State Independence.** — But the United States constitution, likewise, leaves the state just as independent in its field. The United States government not only does not but can not issue any orders to states, nor to counties, townships, or cities in the states, for these are solely state agencies. Congress, for instance, can not change the boundaries of a county, nor incorporate a city in any of the states. Let a state pass some outrageous law on some subject that is within its power : Congress can do nothing.

**The State Field.** — Let us now see what is the division of governing which the United States constitution makes between state and nation. *Keeping order* is almost wholly a duty of the state. Police, sheriffs, and constables get their authority from state law. The vast majority of the

criminals are tried in state courts, and punished by state law. The United States government punishes so few that until recently it has not maintained prisons of its own for non-military criminals, but has sent them to the state prisons. With riots and insurrections the United States government does not deal, until they have got beyond the power of the state (Art. IV., sec. 4). *Lawmaking* is done chiefly by the state. Nine tenths — perhaps ninety-nine hundredths — of the law which regulates the life of the citizen, belongs to the state to make and change. (See Appendix, p. 271.) All the principles stated in Chapter 39 on property and business, as well as nearly all criminal law, are state matters; Congress has no power over them. The field of state legislation is a prairie whose bounds the eye can not see; that of national legislation is a garden plot. *Protecting individual rights* — the settling of disputes and the enforcing of rights — is in the main state work. There may be within a certain portion of a state one United States court and a hundred state courts. *Public schools* are almost entirely state matters; the deciding upon, managing, and paying for public education. The nation has aided the cause by contributing a certain amount of public land in certain states. *Roads and streets* — their laying out, making, and repairing — are almost entirely state matters. *Care of the destitute* is a subject belonging mainly to the state. *City water, sewers, fire departments*, are all wholly state matters. The *right to vote* is a state matter. If, by the state constitution, one is given the vote, then he may vote not only for state, county, and township or city officers, but also for national officers. The nation touches the subject only at one point, the Fifteenth Amendment,

which forbids any state to deny any citizen the right to vote ‘on account of race, color, or previous condition of servitude.’ The result of the war of 1861, this amendment is commonly said to give the negro the vote. That was its object, but it really goes further, and puts all races on an equal footing as to voting. But a state may make such other qualifications as it sees fit, such as by saying that only those who can read and write shall have the vote, or only those who pay taxes. *Parks, museums, and public libraries* may be supplied under state or national authority. Most of the existing ones are connected with city governments, and therefore come under state law. But the Yellowstone Park and the Congressional Library are notable instances of national action.

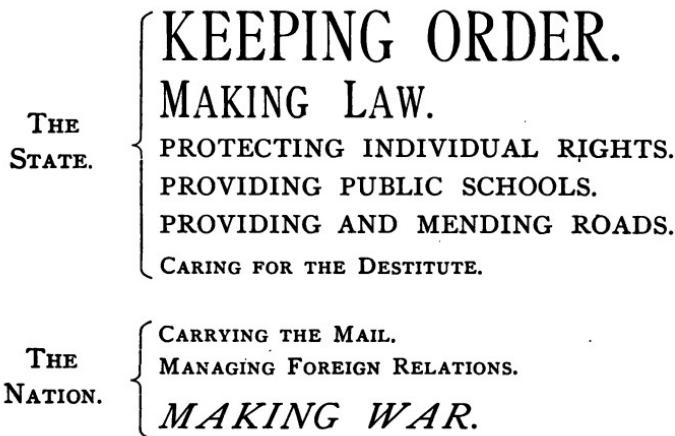
**The National Field.** — *Carrying the mail* is entirely a duty of the national government; coming under the clause ‘Congress shall have power . . . to establish post offices and post roads’ (Art. I., sec. 8). *Foreign relations*, i.e. the making of treaties, appointing and receiving of ambassadors, and appointing of consuls, belong entirely to the national government. Foreign nations never think of dealing with our states. If trouble arises along the Maine and Canada line, Maine and Canada do not settle it, but the United States and Great Britain. (See clauses quoted on pp. 117, 118.) *War* belongs exclusively to the nation; unless, as the constitution says, a state is ‘actually invaded, or in such imminent danger as will not admit of delay.’ (See pp. 117, 118.) But we must keep clearly in mind the difference between keeping order and going to war. Sometimes soldiers — yes, and cannon, too — are necessary to keep order. While the United States constitution forbids the states to keep ‘troops’ (Art. I., sec.

10), it encourages them to maintain a 'well-regulated militia' (Amend. II.). In regard to *money*, the constitution says, 'Congress shall have power . . . to coin money,' and 'No state shall . . . coin money, emit bills of credit, make anything but gold and silver coin [U. S. money] a tender in payment of debts'; and these two clauses have resulted, in our practice, in giving the whole subject of money and legal tender into the hands of the national government (Art. I., secs. 8, 10). The United States government has mints at several points, and a large building at Washington for the printing of paper money. The duty of providing *pensions* belongs mostly to the national government, as most pensions are for military service. There is, however, nothing to prevent a state from paying pensions also. During the war of 1861, some states paid extra money, called 'bounties,' to volunteers. Pensions to judges are paid by both the United States and the states. *Commerce*, within the state, is controlled by the state; but the national government is given the power to regulate commerce with foreign nations and between the states. Just how far this power extends has not yet been determined. Under it the national government improves harbors, maintains lighthouses, registers vessels, and even makes laws as to the rates to be charged by railroads passing through two or more states.

**Both State and Nation**, as we have seen, lay taxes and borrow money. The nation collects about one third of the taxes and owes about one half of the public debt.

**Comparative Importance.** — As on page 22, type may express, in a rough way, the comparative importance of what the state and nation respectively stand for, in our

federal system of government. Confining ourselves to the ten great functions, and leaving out taxation, which is common to both, we have :



Does the above seem rather absurd? Is it contrary to our notions that the great United States government, the strongest government in resources in all the world, really takes so small a share in governing us? But think a minute. How much good would it do you, to have your letter carried from Oregon to Maine for two cents, if your city government allowed thieves or burglars to operate freely, so that your streets were dangerous by day, and you slept with fear every night? Nations can get along pretty well without foreign relations; but public schools change a nation of unthinking peasants, fit only for monarchy, into a nation of thinkers, fit to govern themselves. It is, of course, impossible to weigh such things exactly; but it certainly would not be wrong to say that, leaving

out the question of war, the states do ten times as much as the nation, in the work of government: some might say a hundred times.

SUPPLEMENTARY WORK

1. What fact makes the United States a federal nation? Why was it not made a centralized nation in 1789? What steps now would make the nation centralized instead of federal? Would it be desirable to make the change? Why?

CLARK'S GOV.—9.

## CHAPTER TWENTY-THREE

### RELATION OF THE STATE TO THE LOCAL GOVERNMENTS

The Local Governments are the various county, township, and city governments within the state. The states are divided up into counties, of which there are some 3000 in all the United States. Counties are subdivided into townships, about ten or twenty in each. Cities, of which we can number several hundred, are certain densely settled areas, generally forming parts of counties or townships.<sup>1</sup> It would not be correct to say that all of these forty or fifty thousand subdivisions have governments of their own, for some of them are hardly more than geographical divisions; but there are perhaps 25,000 local governments in the United States.

The State is Master of the local governments; creates them, says what their powers and offices shall be, changes those powers and offices from time to time, even abolishes some particular local government: a very different relation, you see, from that of the nation to the state. State legislatures frequently change city charters (a charter is merely

<sup>1</sup> I have used above only the three words *county*, *township*, and *city*; but there are others which come under the term 'local government.' Every state but Louisiana is divided into *counties*: in Louisiana the corresponding division is called *parish*. The subdivision of the county, in New England, New York, and Wisconsin, is called *town*; in Delaware *hundred*; in the rest of the Middle and North Central states, *township*; in the South and Far West a variety of names, sometimes *precinct*, sometimes *township*, sometimes *district*. *Town* in the South and West means practically a small city. *Village*, i.e. incorporated village, and *borough*, mean a small town or city.

a law), abolishing certain offices and creating others. They sometimes take this method of getting rid of an objectionable city official ; who is then said to be 'legislated out of office.' State constitutions, however, often limit the power of the legislature over the local governments in certain ways, such as by saying that cities shall not be incorporated separately, but only under a general law applicable to all alike, or that the boundaries of a county shall not be changed without its own consent.

**But in Practice** the state leaves most governing to the local governments. The power is centralized, but the work is localized. Lawmaking is the only one of the great functions of government which the state, as a state, and through its state government, takes upon itself. I have likened the people of a state to the board of directors of a railway, and the legislature to its general manager, who appoints and oversees the working force. The local governments constitute this working force. *Keeping order* is done by the local governments, each in its own territory. The policeman is a city officer, the sheriff a county officer, the constable a township officer. The state government takes part in only two respects : providing and managing state prisons, and the militia. *Protecting individual rights*, by means of the courts, is chiefly local ; for the judges are elected from the locality, and cases are tried where they arise. The providing and the managing of *public schools* are mainly in the hands of the local governments ; though sometimes the state furnishes some of the money necessary, and sometimes also exercises certain supervision over them. *Care of the destitute* is also mainly in the hands of the local governments, especially the support of paupers. Sometimes the state furnishes insane or orphan asylums.

*Roads and streets* are mainly in the hands of the local governments ; though of late years state governments have been doing some road making. *City water, sewers, and fire departments* are supplied by the city governments. *Parks, museums, and public libraries* are in the main confined to cities, and are in their charge.

**Local Self-government.**—And so we see that by far the greater part of the everyday work of government, the business of it, is left to the county, township, and city governments. More than half the taxes one pays are spent by his local government. And that is what we call local self-government, each little community governing itself. To realize what this means, contrast this multitude of little communities, most of them with a few hundreds or thousands of inhabitants each, deciding each for itself what it will do and how much it will spend, and doing so through its own elected officers ; with the whole United States of 76,000,000 people, electing one man their president, and that one man appointing, directly or indirectly, 75,000 postmasters, to manage the post office business. There is no local self-government in the national field.

Europe is not without local governments : cities, provinces, communes, etc. But the European system is far more centralized in practice than ours. Europe has nothing corresponding to our state legislatures with their wide field of lawmaking. The local governments there are more like agents of the central government, doing the work that the latter plans and directs, than like the heads of small communities governing themselves. The roads of France, its school system, its police system, are directed and controlled from Paris.

**SUPPLEMENTARY WORK**

1. How many counties are there in your state? What is the division of the county called in your state? Can each division be said to have a local government? Name all the cities you can in your state. What does 'town' mean in your state?
2. What does it mean when we say that the United States has more local self-government than France?

## CHAPTER TWENTY-FOUR

### COUNTY, TOWNSHIP, AND CITY

**Independence.** — County, township, and city governments have, in general, no power or supervision over one another ; they are rather co-servants of one master, the state — this one with one duty, that one with another.

**Cities** manage, each for itself, all or most of the things that the state leaves to the local governments. They may be pictured, for most purposes of government, as pieces taken bodily out of the counties or townships of which they are geographically a part : and this is so throughout the country.<sup>1</sup> Turn to page 91 and see for what a typical city spends its tax money each year : that is a key to what powers of government it exercises. City government is a most important subject ; for one third of our population lives in cities. Some think it is the weak point in our political system, and that European cities are better governed than American.

**County : Township.** — Here we meet one of the most striking differences between sections of the Union ; namely, the manner of local government outside of the

<sup>1</sup> The city of New York has grown so large that it includes several counties ; but the separate county governments are still carried on for some purposes. St. Louis, Baltimore, and many cities in Virginia have been taken out of their respective counties for all the purposes of government, so that they are no longer even geographically parts of counties. But in general a city is under county or township government in some particulars, though independent of it in most. Those small cities called towns or villages have less independence than larger cities.

cities. This map divides the United States into three sections. In New England, the town does most of the work of local government; the town is the political unit; the town has a long list of officials; while the county is so unimportant that we can hardly say that there is such a thing as a county government. In the South and Far West, the case is just the reverse: the county does the governing; the county seat is the center of political life; the county is supplied with a full corps of officials; while township government does not exist. Between these two sections, in the Middle and North Central states, the system is a mixed one; both county and township governments exist, and the work of government is divided between them. In New Jersey, for instance, some roads are made and kept by the county, others by the township.



Jefferson called the New England township system 'the wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation.' Township government is gradually spreading, especially in the new states of the West: and in this we can see a counter tendency to the growth toward centralization. But centralization in patriotism, and even in lawmaking, is perfectly consistent with local self-government in the everyday work of government, the things which cause the spending of public money.

**The Town Meeting** exists only in those states having the most fully developed township system, namely, the New

England states and a few others. It is a meeting of the voters, once a year or oftener, at which they not only elect their town officers, but also decide many such things as these: what new roads the town shall make, what schools shall be provided, what money shall be raised by taxation. This, so far as it goes, is government by the people pure and simple. The voters of a whole county, or of a large city, never meet in popular assembly: they could not. Some states, even some which do not have town meeting, have popular meetings for school purposes.

The town meeting is not an American invention. Some parts of Switzerland have had it for four hundred years. Historians trace it, or something like it, back through English history, and even to the half-savage time when wandering families settled down somewhere, built a wall around their settlement, and called it a *tun* (toon). It was the natural method of government for the New England colonists to adopt, all free, all equal, and settling as they did in little collections of small farms; but it was not appropriate to the South, where the people settled in scattered plantations far apart, and where there were classes in society.

#### SUPPLEMENTARY WORK

1. Name the three or four largest items of city expenditure.
2. Does local government in your state belong chiefly to the township or to the county? Does your state have town meetings? If you have ever attended a town meeting, or a school meeting, describe it.
3. How did the South happen to adopt the county system, and the North the town system?

## CHAPTER TWENTY-FIVE

### THE WHOLE WORLD

**A Distinction** is to be drawn between forms of government and kinds of government. While the two in large measure correspond, yet we find some peoples with self-government under a king, others with despotic government under constitutions copied from ours.

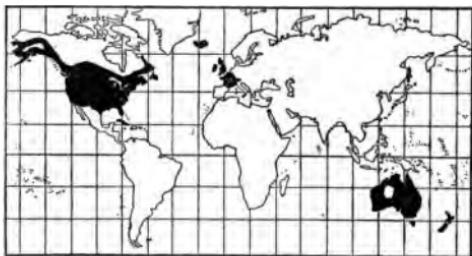
**Four Forms.**—There are four forms of government: republics, constitutional monarchies, absolute monarchies, and colonies. Here are their earmarks, the visible signs by which you may know them. A republic has an elected president, and an elected legislature; a constitutional monarchy has an hereditary monarch, and a legislature wholly or partly elected; an absolute monarchy has an hereditary monarch, and no legislature; a colony is subject, either in its foreign relations, or altogether, to another and distant country. The words ‘empire,’ ‘kingdom,’ ‘duchy,’ etc. do not indicate differences in the form of government, but only in the title of the monarch. But forms and titles are unimportant: let us proceed to real differences.

**Four Kinds.**—There are four kinds of government: government by the people, limited monarchy, despotism, and colonial dependency. Under the first, whether the country be a republic, monarchy, or colony, the power and influence of the people, through their elected representatives, are supreme in most matters; under the second,

both power and influence are divided between the monarch and ruling classes on the one hand, and the people on the other ; under the third, the monarch and ruling classes do all the governing, and the mass of the people have neither power nor influence ; under the fourth, the home country takes charge of all governing.<sup>1</sup>

But a word of warning. There are great differences between countries of the same group. The groups also slide into one another, like the parts of an inclined plane, and have not distinct separations, like the steps of a staircase. It is only modern history that knows the limited monarchy.

**Government by the People** exists on three continents. The United States is its flower, but the plant sprouted in



England. For several hundred years before America was settled, the people of England were cultivating the liberty tree ; gradually trans-

fering the rights of government from their kings to themselves. Whatever other nations have contributed to us, it is the English institutions, like the English language, which have had the prevailing influence in the United States.

Great Britain, though in name a monarchy, is in reality a democracy. The House of Commons, elected by the people, is her real ruler ; the House of Lords always in the end agreeing to what the House of Commons

<sup>1</sup> Consult p. 253, for the arrangement of the countries of the world on these principles.

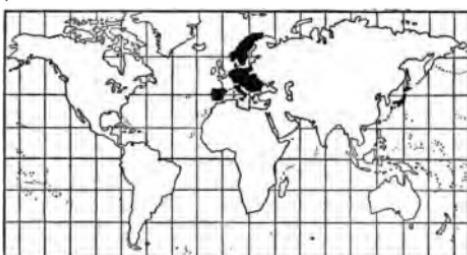
proposes, and the Prime Minister carrying on the operations of government as the agent of the House of Commons (p. 257).

Canada and Australia,<sup>1</sup> though colonies in form, practically have government by the people; having their own legislatures, electing their own public officials, and governing themselves in all things, except foreign relations and war. For instance, New Zealand and a part of Australia differ so far from Great Britain as to have woman suffrage.

France, too, has government by the people; but is not quite sure as yet whether she wants it for good, and she may have monarchy again. It is in the English-speaking countries that self-government is most firmly rooted; there, and in that little country Switzerland.

There are two reasons why we can say that self-government of nations is modern, in spite of the fact that democracy existed among the Greeks. In the first place, those ancient republics were tiny ones, each city by itself; and in the second, one half or two thirds of their population were slaves.

**Limited Monarchy** has its home in central Europe. The nations of Europe, except Russia and Turkey on the east, and Great Britain, France, and Switzerland on the west, are constitutional monarchies in name, and in reality monarchies limited by popular government. Japan has recently become so, too. If I



<sup>1</sup> Also New Zealand and a few small colonies.

should attempt any description of their separate systems, we should soon be lost in the maze.<sup>1</sup> But there are four points distinguishing this group from the despotisms below them, and the free peoples above them.

They differ from the despotisms in that they have elections and constitutions, under which, by means of elected representatives in the legislature, and elected officials, the people take actual part in governing themselves.

They differ from the free peoples in three ways. In the first place, in most of the limited monarchies, only a part of the legislature is elected. Imitating England, they almost all have legislatures of two houses, an upper and a lower. In most of them only the lower house is elected, while the upper consists of princes, nobles, priests, and persons appointed by the emperor or king, generally holding the office for life; and, unlike the British House of Lords, the upper house has equal powers with the lower house, sometimes greater.

In the second place, they have a monarch with real powers. The Emperor of Germany, for instance, has the sole right to make treaties, and, with the consent of the upper house, to declare war. There is not a country of central Europe in which a wicked monarch would not have power to do great harm to his country; but in Great Britain he would be practically powerless. The King of England may be described as having much influence but no power.

But in the third place—and this is the most important thing—there still remains in the hearts of the people of this group of nations, what we may call the monarchical idea: a reverence for the monarch, as a monarch; a lin-

<sup>1</sup> For a brief outline, see pp. 254 to 256.

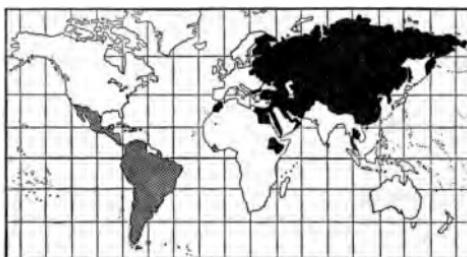
gering idea that he is made of better stuff than the people, and was born to rule. This gives to him and those around him, i.e. the royal family and the aristocracy, a power over the minds of the people which is more effective than a constitutional power would be. The laws they want are passed; the things they oppose are not done. There may be civil war in Europe before the divine right of kings shall die.

As to what these governments do, the keeping of order, the providing of public schools and roads, and all the other things that make up the business work of government, we have seen that the case is much the same as with us. The difference between these countries and ours is not so much in what government does, as in the question whether it is king and aristocracy, or the people, who exercise the real power and decide what the government shall do. It is sometimes claimed that in the monarchies of Europe government is more efficient than with us, accomplishing more, and working more economically. It is a difficult question to decide, and certainly the difference is not great. But even were it so, and were it true that government by the people is very expensive, it is worth the price: not only because the people have a greater power to guard themselves against oppression, under self-government than in a limited monarchy, but because self-government is in itself elevating.

**Despotism.** — Russia, Turkey, and all parts of Asia and Africa that are not barbarous or under European control, except Japan, have despotic governments. Despotism refers just as much to the attitude of the people as to that of the monarch, perhaps more. In these countries there are no elections, no public opinion, little thought of govern-

ment as a public servant or benefactor; and in most of them the government is thought of only as a tyrant and taxgatherer.

In each despotic country, there is some one at the top: an emperor, sultan, khedive, ameer, or the like. The



theory is that he has every possible right and power that can be imagined: not only all the rights and powers of government, such as to,

make any laws, or to lay any taxes he chooses; but even the right and power to take the property or the lives of his subjects.

But it is very seldom that the fact corresponds with this theory. A despotism is ordinarily the rule of a class, perhaps some few thousands, who are chiefly anxious, not to make a good government, but to preserve a system which gives them their power, honor, and wealth. The Czar of Russia is far from being a really absolute monarch: there are many people whom he would not dare to banish to Siberia. The Emperor of China is so much a slave to the ceremonies and customs of the country, that he very seldom leaves his palace. Even a good man, on such a throne, can not accomplish much, against the resistance of the ruling class.

I do not say there never have been absolute despots, but that they are rare. It depends upon the character and ability of the man. Napoleon I., at one time, had almost absolute power, and that too over a civilized nation.

What work does a despotic government do? In what degree is it a good? In this respect, there is more difference between the nations of this group than between those of any other. Perhaps the best way to get an idea of the group is to take as examples two nations, Russia and Morocco, the one the furthest advanced in civilization of all despotic countries, and the other near the other end of the line. Somewhere between these two will lie all the others.

Russia *keeps order*, and punishes crime; Morocco does neither, and the peasant plowing must carry a gun for self-protection. Both Czar of Russia and Sultan of Morocco issue decrees, i.e. *make laws*, from time to time; but a large share of Russian lawmaking has the good of the people at heart (witness the freeing of the serfs in 1861), while the sultan's decrees are few and oppressive. *Courts* exist in both countries: in Russia rendering substantial justice, in cases which are not political; in Morocco used largely for purposes of extortion. *Public schools* are being established in Russia; in Morocco they are unknown. *Roads* and bridges are supposed to be made and repaired by the government in Russia, and in fact she is now building one of the greatest railroads in the world, across Siberia; but on the other hand the streets of Moscow are mostly unpaved, and through the country generally the bridges are in such poor repair that the cautious driver prefers to take the fords. In Morocco the government makes no roads or bridges. As to *care of destitute*, public hospitals exist throughout Russia; in Morocco, government care of the destitute is unknown. The Russian government has a complete *post office* system, including the telegraph; Morocco has practically no post

office, except what foreign governments operate. The *foreign relations* of Russia are ably managed: she makes treaties and exchanges ambassadors with all the civilized nations. Morocco makes practically no treaties and only sends an occasional ambassador. Both these countries make *war*: Russia with all the modern methods and armaments; Morocco with an undisciplined army, carrying few modern arms, and without regular means of transport or support. *Taxation* in Russia is not so heavy as in most of Europe; in Morocco, it is grinding. In short, government in Russia, with all its faults and frequent oppressions, is doing the proper work of government; but in Morocco so little is done for the benefit of the people, and governors are so rapacious and oppressive, that it is a question whether on the whole government as there practiced is not a curse. But remember that I take Morocco as illustrating the extreme. In fact, Morocco is perhaps nearer to African barbarism than to European despotism.

Since the countries south of us, Mexico and the countries of Central and South America, broke away from Europe<sup>1</sup> in the early part of the last century, they have had for the most part republican forms of government, with written constitutions and elections. But in reality they should be classed with the despotisms; and are sometimes called military despotisms. The man at the head is usually some military leader. While his rule lasts, his influence is predominant: the people elect such persons as he wants; the Congress passes such laws as he favors. But soon a revolt occurs; another person raises an army, defeats the government troops, and makes himself

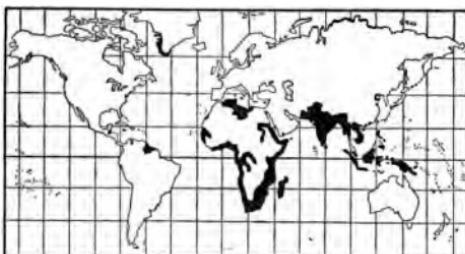
<sup>1</sup> Brazil from Portugal, the rest from Spain. Guiana and Belize are still under colonial government.

president. In Mexico between 1821 and 1869, there were some three hundred successful and unsuccessful revolts.

In what the governments of the countries south of us do for the people, they are not to be ranked with northern America and Europe, but with the other despotisms.

All this is natural when we consider the race. I do not refer to the Spanish blood, but to the Indian. In northern America there was practically no mixing of the white and red races, and the red race is insignificant in numbers; but south of us, they intermingled, and the population is still three fourths Indian. These people are entitled to congratulation that they have started on the road to free government — and the getting of the republican form is a step — rather than reproach that they are no further along.

**Colonial Dependency.** — About four hundred years ago the spirit of adventure began to stir all Europe, and the maritime nations began to push out across the oceans, in order to explore those vast unknown regions : America, Australia, Asia, and Africa. Colonies were established on all the coasts, and the natives were subdued. The great American and Australian colonies have become, wholly or substantially, independent ; but in the Asiatic and African colonies the picture is very different from anything we have had so far, both as to race and as to government.



In these countries, namely, India, French Indo-China, the Dutch East Indies, the Philippines, and the various colonies around the coast of Africa, the mass of the population is made up of natives, semi-civilized or savage, and the governing is entirely or mostly under the direction of a few Europeans, sent there by the home country. In India, for example, there are 290,000,000 natives, and 100,000 Europeans. Morocco and Egypt are quite likely soon to become colonial dependencies like the rest of the African coast. In fact Egypt is largely under Great Britain's control at present, though nominally a province of Turkey.

And how can so small a body rule so large a body? By means of an army solely. In these colonies, a permanent standing army is a necessity; with European officers, and European equipment. The French army in Algeria is about 50,000; the British army in India, about 200,000.

In a colonial dependency government can not undertake so much, or be so thorough, as in a civilized country. It would be absurd to think of Great Britain giving to India the same network of roads and railroads that it does to England, in proportion to population or area, or even of supplying food to all the population in a famine. Such completeness of government can be had only in nations able to supply it and pay for it themselves. In Africa still less is possible. On the map, the lines of an African colony may be marked out to extend a thousand miles inland, but in reality all authority of the government often fades out fifty miles from the coast.

It may be that the European nations had only selfish motives in acquiring these colonies, and subduing the natives. It may be that in many cases their rule has been severe and unjust. But it is a fact that these colonial de-

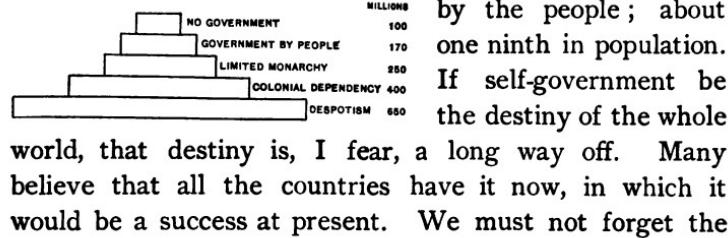
pendencies, as a whole, are far better off than they were before they came under the rule of Europe. Compare those two Moorish countries, Algeria, a colony of France, with its 2,000 miles of railway, 500 post offices, and the growing arts of civilization; and its larger neighbor Morocco, without a railway or native post office, and where travel for a Christian without armed escort is exceedingly dangerous. In India, formerly torn by tribal war, peace is now the rule, and famines are not so frequent as they still are in China.

**Barbarous Tribes.**—We have now covered practically all the inhabited world, except that part still beyond the

reach of the arms of Europe, central Africa; where government as we are considering it, a thing for the benefit of the people, does not exist.

There—and, we may add, in central Arabia also—the people are not gathered into political nations, but into tribes. Some tribes are more savage than others. In some you can see the beginnings of government.

**It is a Small Part** of the world which has government



centuries of growing civilization which our ancestors passed through before we attained to self-government.

#### SUPPLEMENTARY WORK

1. Take each country, or several of the countries, named in the table on p. 253, and state what its government is, in form and in reality ; applying the tests of the second and third paragraphs of this chapter.
2. Can you give a reason why New Zealand and Australia are further advanced in self government than Europe?
3. What is the parliamentary system? (p. 257). Give a list of the principal countries having it (pp. 257 to 270).
4. What is meant by the statement that the sun never sets on the British Empire? Take the map and see if it is strictly true. Is the statement true of the United States?
5. The sketches on pp. 257 to 270 may be assigned for study, to separate pupils, or to the class, if thought advisable.
6. What is the title of the ruler of Afghanistan? What does the word 'czar' come from?
7. Give reasons why a despotism is likely to be oppressive, even under a good monarch. Look up what has recently happened to Finland.

## CHAPTER TWENTY-SIX

### THE LAND OF THE FREE



LONG before the American boy knows what government means in other lands, he calls his country the Land of the Free, sings it Sweet Land of Liberty, and hails the eagle on its coins the Bird of Freedom. What does he mean, without knowing it? What is it to be free? Is the United States the only land of liberty?

This Word **Liberty** may mean a multitude of things: freedom from slavery, freedom to go or live where you choose, freedom to choose your occupation, freedom of speech, freedom of the press, freedom of religion; and some even call good government, or freedom from disorder, a part of civil liberty. But we can hardly say that the United States so far excels every country of Europe in any of these respects that that is why it is the land of liberty. The difference between America and Europe in these respects was much greater a hundred years ago than it is now.

Equality is often reckoned a part of liberty. There is greater equality here than in Europe. We have no nobles or royalties to make us conscious that there are some above us better born. The fathers of the constitution

took care that we should not grow them, by forbidding both Congress and the states to grant titles of nobility (Art. I., secs. 9, 10). We have greater equality of fortune: the paupers are fewer, and the laboring classes—which means the bulk of every nation—can earn a better living here. And there are, besides these, other fortunate conditions which are often thought of as a part of American liberty.

But fortunate condition is not the only liberty we have. It is really true that government with us is more free than anywhere in Europe. There is more government by the people. The people take a closer and more active part in government. The Government, without any loss of power as government, is regarded less as a master, and more as a servant, than anywhere else in the world. We will look at this under five heads: more voting, more local self-government, more power of public opinion, less governing class, and individual right more sacred.

**Voting.**—There are more voters here, in proportion to population, than in any other country except Switzerland, New Zealand, and part of Australia.<sup>1</sup> But the number of voters is not so important as the number of things upon which they may vote. There is no country where the voter votes for so many officials as here. Thus I can vote for president (indirectly), congressman, governor of my state, senator and representative in the legislature of my state, mayor and alderman if I live in a city, sheriff, school trustee, highway commissioner, judge, assessor, etc. I thus have my finger on nearly every operation of government.

<sup>1</sup> It is estimated that the qualified voters, per 1000 of population, in the following countries, are: New Zealand (with woman suffrage) 482; Switzerland 230; United States 230; France 226; Germany 205; Great Britain 175; Italy 68; Austria 60; Spain 57; Sweden 10.

In Great Britain the voter does not vote for more than half that list ; in other countries still less.

Terms of office are shorter with us than in Europe generally. And thus the voter has greater opportunity to express his opinion on what his officials have done, and to change them if unsatisfactory.

We vote for constitutions here ; we have town meetings and school meetings ; differing from all Europe in these things, except some parts of Switzerland.

**Local Self-government.** — We have seen (Chap. 23) that far more of the everyday work of government is performed by the county, township, or city governments, without interference from state governments, than in other countries. Far more of the local officials are elected than in other countries. When the mayor, selectman, school trustee, or the like, is our neighbor, elected by us, and we can turn him out of office at the next election, he is sure to pay more regard to our wishes than if he were an agent of the state or nation, appointed by governor or president, a stranger to us, and coming from some other part of the country. Even if the world should some day acquire its ‘parliament of man’ and all the nations should be one, local self-government would be as useful as now.

**Public Opinion.** — As one of the best writers about our government (Bryce) says, ‘In America public opinion rules more completely than anywhere in Europe.’ This means more than elections, more than changing one official for another : it means controlling the official while he is in office, in spite of his power to do as he thinks best ; it means that the officeholder accepts as his guide the wishes of the voters — his constituents, as they are called. This is not true of Europe.

Of course it is not every question upon which public opinion expresses itself. There is a vast amount of business the officeholder must transact without reference to public opinion. But when the question is important enough to attract public opinion, it is very seldom that officials go contrary to it. Most of the important changes in the law are demanded by public opinion, before the state legislatures make them. If the people want to go to war, Congress will, quite surely, declare war.

Public opinion is a new force in the history of the world. It has grown up with public schools ; and hardly exists in a country like Spain, where a majority of the people can not read. It is natural that it should be strongest with us, for there is no large country where the average of public intelligence and public interest is so high. We have more newspapers in proportion to population than any of the large European nations, and twice as much mail matter. Some of the smaller countries, however, are not far behind us, in regard to public intelligence ; Switzerland, for instance. In Iceland, everybody is well-educated.

How does this public opinion show itself ? Is there anywhere to go to find it out ? No. Read the newspapers, and talk to your neighbor ; that is all. Its chief telltale is the newspaper. But it is not difficult for the official to learn what the public opinion is, when it is a decided one. It is forced upon him.

**Governing Class.** — With us there is no governing class. Every American feels that he has just as much right to be elected to office as any one else, and the way into political life is easy. Lack of education, or of wealth, or of social standing, is no bar. Every boy thinks it possible that he may be president some day ; and some of our presidents

have come from the simplest surroundings. Public officials are changing all the time, and new men taking their turn (called 'rotation in office').

But in Europe generally, a political career is open only to a few; to the mass the Government is a machine, with the running of which they have nothing to do. In Switzerland but about 40 per cent of the voters take enough interest to vote (70 to 80 per cent with us). In France the governing class does not associate freely with others. Even in Great Britain there is a governing class, to which the aristocracy finds a much easier entrance than others; and Great Britain has been called an aristocratic republic.

**Individual Right Sacred.** — With us the individual's right is more sacred than the government's need. Our chief concern is to give every man his rights, no matter what the government needs or wants: in Europe the chief concern is to do what is best for the government, no matter if somebody loses his rights. This leads in Europe to all sorts of interference by government with what we call private matters. In Austria, for instance, the police frequently order an article struck from a newspaper, and people carry official certificates of their identity and standing, in order to avoid arrest as suspicious characters. Even in republican France, newspapers are sometimes suppressed, and a club, church, or even a social or literary society may not be formed, without filing a notice with the government, stating its object and rules. The processes of our criminal law give far better protection to the innocent person accused of crime, than those of any other country except Great Britain. (See Chap. 32.)

With us if any official oversteps his authority, we are quick to disobey or resist him, and we have a right to do

so. Or, the official may be sued; and the court, being independent of the official, is never afraid to give a decision against him, if he has gone beyond his official duty. But in Europe, generally, officials may not be resisted, or sued in independent courts for official acts.

**It would not be Fair** to leave this subject without stating that probably a majority of English statesmen, while firmly believing in self-government as practiced in England, honestly believe that we have carried government by the masses, and individual liberty, too far. Probably most educated people of Europe consider public opinion, as it was considered here a century ago, ‘aggressive, revolutionary, unreasoning, passionate, futile, and a breeder of mob violence.’ But the United States is steadily marching toward more government by the people, more power of public opinion; and with an increasing confidence that we are on the right road.

#### SUPPLEMENTARY WORK

1. Read ‘America,’ and explain its sentiments. What is the British national hymn (tune and words)?
2. Where does the phrase ‘land of the free’ come from? Is our country the only ‘land of the free’?
3. Make a list of the officials for whom a voter in your town can vote. Can women vote in your state?
4. Why is local self-government desirable? Would it be desirable in the Philippines?
5. Would public opinion rule if we had no voting? State the connection between public opinion and public schools. If public opinion ought to rule, why is lynching wrong?
6. State some recent event in Europe or elsewhere, illustrating the comparative freedom of the individual here from government interference. (If you should read the newspaper for a week, you would be sure to meet such a case.) State some cases in which individual rights must give way to the government’s needs, even in our country.

## **CHAPTER TWENTY-SEVEN**

### **LOCAL GOVERNMENT OFFICIALS**

IN this and the two following chapters we shall consider the names and duties of the principal local, state, and national officials in this country ; beginning with the division nearest the people, the township.

And here, very little comparison can be made with foreign countries, for it is difficult to name any official of ours and say that he corresponds to such and such a foreign official. Even though the names are similar, the duties of the office may differ greatly. For instance : in China there is an official called governor of a province ; but in reality he is governor, civil judge, criminal judge, sheriff, treasurer, tax assessor, and tax collector, all in one. It would be absurd to consider such an autocratic ruler as corresponding to the governor of one of our states, with his very limited powers. In the township, county, and city officials there is much variety among the states.

#### **ABOUT TOWNSHIP OFFICIALS**

In many or most of those states which have township government, namely, New England and the Middle and the North Central states (p. 135), we find the following officials in each township ; in the Southern states and the Far West they generally do not exist, and the duties named belong to corresponding county officials.

**Selectman ; Supervisor ; Trustee.**— The principal officials of the New England town are the *selectmen*: from three to nine for each town. They may be called the general managers of the government work done by the town. In the Middle and North Central states the corresponding official is often called *supervisor*, or *trustee*: commonly one to each township. The principal duties of the New England selectmen relate to making and care of the roads; providing and caring for the public buildings, such as the town hall and almshouse; seeing that the public health is protected, as by ordering sewers where necessary, or isolating persons who are sick with contagious disease; passing on all claims and bills against the town, to order them paid or to reject them; deciding each year what amount of money shall be raised by taxation for township purposes; and calling special town-meetings when necessary. Sometimes the selectmen are also the assessors, and the overseers of the poor. The supervisor or trustee in the Middle and North Central states has duties somewhat similar, but not so extensive as those of the selectmen.

**Town Clerk.**— The town clerk is a recording officer: he has the care of all the records and documents belonging to the township; is secretary of the town meeting; and records the births, marriages, and deaths. In New England he also has the care of the books in which deeds and mortgages of land within the town may be recorded (i.e. copied), and does the recording, keeping the books where they may be consulted by any one; a duty belonging to some county officer outside of New England.

**Town Treasurer.**— The duty of the town treasurer is to receive all money belonging to the township, and to pay it out only when he receives a warrant (i.e. an order) to

do so, from the proper authority. The treasurer may not act with the public money as he does with his own, and pay it out on his own responsibility ; and this is a rule which applies to all public treasurers. The power to order a bill paid sometimes rests with the official who ordered the work, and sometimes with an entirely different person. (See Auditor, p. 160.)

**The School Trustees**, or school committee, have duties relating to the work of the public schools of the township, such as providing schoolhouses, visiting schools, examining and selecting teachers, and selecting text-books to be used.

**The Commissioner of Highways**, or overseer of highways, has the duty of repairing the roads in the township. New roads are usually decided upon by some other officials, such as the selectmen, or by the town itself in town meeting ; but when they are decided upon, the commissioner of highways hires the men, and does the work.

**Overseers of the Poor** are the officials to whom the destitute of the township may apply for relief. They have the management of the poorhouse ; or distribute the money, food, coal, etc., where the township grants relief in that way.

**Assessors.** — The assessors' duty relates to taxes. It is to make a list each year of the property owned by any one in the township, with what they consider its value. (See p. 79.)

**The Collector of Taxes** has the duty of collecting the taxes each year in his township. If the owner of property taxed does not pay, the collector may seize and sell the property. The collector pays to the town treasurer that part of the taxes to which the township is entitled, and the remainder to the county treasurer. Sometimes the constable is also collector of taxes.

The Justice of the Peace is principally a judge (see p. 185), but in some states he has other duties also, such as passing on bills against the township, or examining town accounts.

**Constable.** — The constable has two kinds of duty. In one, he may be called the rural policeman, and as such he arrests persons accused of crime ; in the other, he executes the judgments of the justices of the peace. When a justice has tried a criminal case and rendered judgment, the constable releases the prisoner if acquitted, or hands him over to the jailer of the county if convicted ; when the justice has tried a civil case, and the judgment is for the payment of money, the constable seizes the debtor's property — provided he can find any in the county — and sells it to pay the debt.

**Election ; Term.** — Town officials are elected by the people of the township : at town meeting in the states which have it ; at the annual election in the others. The terms are generally from one to three years.

#### ABOUT COUNTY OFFICIALS

In many or most of those states which do not have township government, namely, the South and Far West, we find the following officials in each county ; in the Middle and North Central states most of them exist, but with less extensive powers ; in New England many of them do not exist at all, and the duties named belong to corresponding town officials.

**County Commissioners.** — The principal organ of government of the county is the *board of county commissioners*, consisting usually of three members. In a few states it is called the *board of supervisors*. This board may be called

the general manager of the government work done by the county. Its principal duties relate to making and care of the roads ; providing and caring for the public buildings, such as the courthouse, jail, and poorhouse ; passing on all claims and bills against the county, to order them paid or to reject them ; and deciding each year what amount of money shall be raised by taxation for county purposes. In the South and Far West it is a most important body, corresponding in large measure to the selectmen of a New England town. County commissioners are elected by the people of the whole county : a board of supervisors is made up of the township supervisors who are elected one from each township of the county, and who are also township officers.

**County Clerk.**— There is a county clerk in each county of almost all the states. In general his duties are in the nature of recording, resembling those of a town clerk ; but they vary much from state to state. In some states he is the clerk of the principal courts ; in some he keeps the records of all elections in the county ; in some he audits all county bills ; in many he is recorder of deeds.

**Register of Deeds.**— In many states the register or recorder is a separate officer. He has the care of the records of deeds and mortgages.

**County Treasurer.**— The duty of the county treasurer is to receive all money belonging to the county, and to pay it out only when he receives a warrant from the proper authority. In some states he is also collector of taxes.

**Superintendent of Schools.**— In some states the superintendent of schools is a county officer. His duties relate in general to the work of the public schools of the county,

such as visiting them and examining teachers, and making recommendations as to their management.

**Assessor; Collector of Taxes.** — In states where the county does most of the local government work, the assessors and the collectors of taxes are county, instead of township officers (p. 135).

**Auditor.** — Many states have an auditor for each county. His duty, as such, is the examination of county expenditures, to see that the public money is not being stolen or spent for something the law does not allow. If you are a public official — whatever you may do in your private affairs — you must keep exact accounts of the public money in your charge, and also take receipts for all payments, showing to whom the money is paid, and for what. These receipts (called ‘vouchers’) will be examined periodically by some other official charged with that duty.

Sometimes the auditing officer has a wider authority than this, and is charged with the duty of examining every claim or bill before it is paid, to approve or reject it ; then he is a veritable ‘watchdog of the treasury.’ A county treasurer, in some states, has no power to pay a bill when either the county commissioners or the county auditor rejects it. This does not mean that the creditor has no way to get his bill paid if the auditor rejects it : it means that he must sue the county for it ; and a suit means that the whole matter will be carefully examined in court. The court can compel the county to pay.

In some states the county auditor takes the place of the county clerk.

**Prosecuting Attorney.** — This official, who is called district attorney in some states, and in others state’s attorney, exists in almost all the states as a county officer. He is

practically a court officer, and his duty is to prosecute all persons accused of crime within the county ; i.e. to present the case against them on the trial. Only lawyers are fitted for this office.

**Sheriff.**—All of the states have a sheriff for each county. His duty is twofold, like a constable's : first, to arrest persons accused of crime, and second, to execute the judgments of all the higher courts within his county (p. 41). If a county includes some city, the city police take the place of the sheriff within the city in the duty of arrest, but not in the duty of executing court judgments.

**Coroner.**—The coroner is almost always a county officer. His duty is to examine into the circumstances attending any violent death. Such an inquiry is called an *inquest* (p. 200).

**Election ; Term.**—County officials are in general elected by the people of the whole county, at the annual election. The terms are generally from one to three years.

#### ABOUT CITY OFFICIALS

As cities vary in size from perhaps twenty thousand inhabitants<sup>1</sup> to three or four millions, and in density of population from fifty people in a block to several thousand, we must expect to find very great differences between them, both in what it is necessary for the government to do, and in the officials needed. All cities have a mayor and a city council ; the larger ones have all of the officials named below ; the largest have even more.

**The Mayor** is the chief official, and is often called the head of the city government. His duties vary greatly,

<sup>1</sup> Leaving out certain small communities which some states call cities, but which are more like villages.

even among the large cities. In some he appoints the heads of the various departments; in some he also has power to remove them for misconduct; in some he has the

right to veto any act of the city council; in some he is himself a member of the important departments, and so takes part in their action.

**The City Council** sometimes consists of two bodies, a board of aldermen and a common coun-

cil; sometimes of a single board, called by one of those names. The city council has such powers as these: to decide what streets shall be paved, or lighted with street lights; where and under what conditions street railways may be built; where sewers shall be put; what museums, libraries, and parks the city shall provide; and many others relating to public order, public schools, the streets, care of the poor, money to be raised by taxation for city purposes, public health, etc. It also has power to make rules governing the action of the inhabitants in matters of public safety, health, or convenience; such as requiring fire escapes on buildings, or prohibiting fast driving. Such rules, though really laws in effect, are called *ordinances*.

**The City Treasurer** receives the city money, and pays it out on proper warrant.

**The City Auditor**, sometimes called comptroller, has duties like those of a county auditor (p. 160). If, in a large city, spending perhaps twenty or thirty millions of dollars a year, not a penny of this may be paid out with-



A City Hall.

out the auditor's approval, it can be seen what a tremendous power he has.

**The Police Department** consists of police commissioners, captains, sergeants, and patrolmen; of which the commissioners (one to four) form the head, and the rest the working force. Their duty is the maintaining of public order, and the arrest of those accused of crime. They must also see that the city ordinances are obeyed.

**The Board of Education** usually consists of five or more members. Its duty is to provide and manage the public schools of the city.

**The Street Department**, with one or more commissioners at the head, has charge of the paving, cleaning, and lighting of the streets.

**The Overseers of the Poor** see that the destitute are provided for, and often manage the public hospitals, asylums, and poorhouses.

**The Tax Department** includes assessors and collectors, with duties such as have been described. Collectors are often called receivers of taxes.

**The Water Department** has charge of the reservoirs, aqueducts, water mains, and sewers.

**The Fire Department** consists of the firemen and their chiefs. It is their duty to put out fires.

**The Health Department** protects the public health; as by seeing that houses are not in an unhealthful condition from the keeping of garbage in the house, or the neglect of repairs to plumbing; also that persons with contagious disease are kept isolated from other people. This department consists of a number of men with a medical education, who make periodical examinations of houses, especially in the tenement districts.

**Small Cities** do not have all of the above officials. In many the duties of several departments are united. Incorporated towns, villages, and boroughs have officials like those of a small city, but often with different names, and with fewer duties.

**Election ; Term.**— The mayor and members of the city council are generally elected by the people of the city for terms of one or two years. The other city officials named are in some states elected by the people, in some appointed by the mayor or the council. There is great variety in the terms.

#### SUPPLEMENTARY WORK

1. Do you live in a township having township government? Name the persons who are the principal officials in your township. Who is the clerk, treasurer, etc.?

2. What county do you live in? Where is the county seat? Is there a government building there, belonging to the county? What offices does it contain? Name the principal county officials. Visit the office where deeds are recorded, and describe what you saw.

3. Do you live in a city? Give its size and boundaries. Who is the present mayor? How many are there in the city council? How often does the city council meet? Attend a meeting, and describe what was done.

4. Where does the city water come from? Describe, so far as you can, all the property belonging to the city; its reservoirs, parks, buildings, etc.

5. Name as many of the city officials as you can. What city officials, or employees, wear a uniform?

## CHAPTER TWENTY-EIGHT

### STATE GOVERNMENT OFFICIALS



A State Capitol.

IN the matter of state officials and their duties, the states do not differ from one another nearly so much as we have found that they do in regard to township and county government. The main features are alike in all.

### ABOUT STATE LEGISLATURES

**Members.** — In each state the legislature is composed of two houses (i.e. bodies of men). The upper house is called the senate in every state; the lower is called the house of representatives in most.<sup>1</sup> The name for the two together is usually either the General Assembly or simply the Legislature.<sup>2</sup> The senate usually contains from twenty-five to fifty members; the house of representatives from one

<sup>1</sup> *Assembly* in New York, Wisconsin, Nevada, and California; *General Assembly* in New Jersey; *House of Delegates* in Maryland, Virginia, and West Virginia; *House of Representatives* in all the rest.

<sup>2</sup> *General Assembly* in Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Missouri, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia; *Legislature* in Alabama, California, Florida, Idaho, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming; *General Court* in Massachusetts and New Hampshire; *Legislative Assembly* in Montana, North Dakota, and Oregon.

to two hundred. Our state legislatures are small bodies compared with those of Europe, which often have a thousand members. The terms ‘upper’ and ‘lower’ house do not mean that the lawmaking powers of the senate are greater than those of the house of representatives.

**Election ; Term.** — Members of both senate and house of representatives, in each state, are elected directly by the people ; the state being divided into appropriate districts. In this way all parts of the state are represented in each house. The terms vary in the different states, from one to four years. About half the members, at each session, consist of those who have served at some prior session, either because the term lasts through two successive sessions, or because they have been reëlected. Reëlection is more common in Europe than in our states.

**Sessions.** — In almost all the states the legislature meets once in two years;<sup>1</sup> the session lasting two or three months. It meets at the capital of the state, in the Capitol. Each house meets in its own chamber, and carries on all its proceedings distinct from those of the other house ; and neither has any control over the other. The only occasion on which they meet together is for the election of United States senators. The process of lawmaking is described in another chapter (p. 206).

**The Chief Business** of a state legislature is lawmaking, and that occupies almost all its time ; but it has a few other powers, the principal ones being the election of United States senators, and the removal from office of the higher state officials, such as the governor and judges, for

<sup>1</sup> Every year in Massachusetts, Rhode Island, New York, New Jersey, Georgia, and South Carolina ; once in four years in Alabama ; once in two years in all the rest.

misconduct. In removal proceedings the house of representatives makes the accusation (called *impeachment*) ; the senate listens to the evidence and renders the decision as a court (trial of the impeachment). But impeachment has been seldom used ; the tendency among the states now is to give the power of removal to the governor. The senate, in some states, has the power to confirm or reject appointments made by the governor.

#### ABOUT GOVERNORS

**Election ; Term.** -- Each state has a governor, elected directly by the people of the whole state. The term of office varies among the states from one to four years. Re-election is not common.

**Veto.** -- In almost all the states the governor has the right to veto (i.e. reject) any bill passed by the state legislature.<sup>1</sup> A bill is a proposed law. This is by far the most important power that a governor has, as the state legislature has so wide a field of legislation. But the legislature may still make the bill a law in spite of him, by passing it again : this is called passing it over the veto ; in some states it must obtain a majority of two thirds the second time, in others a bare majority is sufficient.

Passing over the veto is not common, a fact which tends to make the governor a very real part of the law-making power, especially as governors generally feel free to exercise the veto. Strange - - is it not ? - that a mere feeling should make a difference in the kind of government we live under ! But in fact the feeling is more important than the form : the practice is more important than the power.

<sup>1</sup> In all but Rhode Island, North Carolina, and Ohio.

It is a feeling which makes the horse a slave in spite of his strength.

**Pardons.**— In almost all of the states the governor has the right to pardon any criminal convicted under the law of the state; to commute his sentence, i.e. change it to some lighter punishment; or to grant a reprieve, i.e. a delay.<sup>1</sup> The pardoning power comes, I think, next in importance to the veto power. It would be possible for a bad governor, by issuing many pardons, to create a spirit of lawlessness in a state. Governors feel free to exercise the pardoning power, and so are in reality important parts of the judicial systems of the states.

**Other Powers.**— In all of the states the governor is commander in chief of the state militia, and as such may call it out to suppress insurrection or riot in the state. In most of the states he may call the legislature together at any time for a special session. In some states he may appoint certain state officials, such as the superintendent of public instruction, or insurance commissioner; in some he appoints all the judges of the higher courts; in many he appoints some one to serve for the unexpired term, when a vacancy in an office occurs by death. In some he has the power to remove from office state officials, judges, or even mayors of cities, for misconduct. But the governors do not exercise the power of removal so freely as the veto or the pardoning power. Governors have nothing whatever to do with foreign nations; and practically the only relation they have with other states, is in issuing requisitions requiring the return of persons accused of crime who have fled to other states.

<sup>1</sup> In some states a Board of Pardons exists, the governor being one member. There is a tendency to limit the governor's pardoning power.

**ABOUT OTHER STATE OFFICIALS**

**Lieutenant Governor.**— Most of the states have a lieutenant governor, elected at the same time as the governor, and for the same term. He becomes governor, if the governor dies, resigns, or is removed from office. Until such event, his only duty is to preside in the state senate; even there he has no vote, unless the senate is equally divided on some question, when he has the casting (i.e. deciding) vote.

**Secretary of State.**— There is a secretary of state in every state.<sup>1</sup> The duties are, in general, the safe-keeping of records belonging to the state, such as the original copies of state laws. The office bears no resemblance to that of the United States Secretary of State; the duties of the latter are connected with international relations, while the state can not have international relations.

**State Treasurer.**— Every state has a treasurer. His duty is to receive money belonging to the state, and to pay it out only on proper warrant. Proper warrant in his case usually means that the state auditor has approved the claim or bill, and also that the state legislature has appropriated the money for the purpose.

**State Auditor.**— Nearly every state has an officer, called in some, auditor, in others, comptroller, whose duty is the examination of all claims and bills against the state before they are paid, to approve or reject them. But note this difference between the power of a city or county auditor, and that of the auditor of a state: no person can by a lawsuit compel a state to pay; therefore if the state

<sup>1</sup> In Massachusetts, Pennsylvania, and Virginia his title is 'Secretary of the Commonwealth'; in all the rest of the states, 'Secretary of State.'

auditor rejects a claim, there is no way for the party to enforce payment.

**Attorney-General.**—Each state has an attorney-general, who advises the other state officers as to their legal rights and duties when requested, and represents the state's interest in certain court proceedings. He must be a lawyer.

**Superintendent of Public Instruction.**—Most of the states have an official called superintendent of public instruction or superintendent of education. His duties are in general the supervision of public schools, and the keeping of records to show how the public school system is being carried out in the state, as by showing how many children are attending school, and what studies are being taught. The local officers, such as the school trustees of the township, or the board of education of the city, do the actual work of providing school buildings, teachers, material, etc.; the state superintendent finds out how they are doing the work, and makes suggestions here and there.

**Insurance Commissioner.**—About half the states have an insurance commissioner, whose duty is, in general, to collect and publish information about insurance companies in the state; sometimes to visit them and examine their affairs. The purpose is to show the people whether they are sound. In many states the same is done with banks.

#### SUPPLEMENTARY WORK

1. Give the names of the legislature of your state, and its two houses. Where do they meet? How often? If possible, attend a meeting, and describe what you saw.
2. Who is governor of your state? Look over your state constitution, and make a list of the powers it gives to him. Name such other officers of the state government as you can.
3. Pronounce comptroller, borough.

## CHAPTER TWENTY-NINE

### UNITED STATES OFFICIALS



Capitol, Washington.

AND now all differences between the states disappear ; for the system of United States officials is a single system for the whole nation. A United States marshal, for instance, has the same title and the same duties in

Massachusetts as in South Carolina.

### ABOUT CONGRESS

**Members.** — The national legislature, called Congress, consists of two houses : the upper, called the Senate, and the lower, called the House of Representatives, or familiarly the House. The Senate has 90 members ; the House 357. In the First Congress (1789-91), the Senate had 26, and the House 65. Although the members of each house are really members of Congress, yet, as commonly used, the term Member of Congress or Congressman means only a member of the House of Representatives. It has always been a greater honor to be a senator than to be a congressman.

Each state has two senators, and thus the largest state

and the smallest have exactly the same power in the Senate. But congressmen are distributed among the states according to population: New York has 34, while there are several states with only one. Once in ten years, after each national census, there is a reapportionment of congressmen, to correspond to the changes in the population.<sup>1</sup>

**Election ; Term.** — Senators are elected by the state legislatures; representatives are elected by the people of the states. Senators are elected for six years; representatives are elected for two. Thus all the representatives and one third of the senators are elected every two years.<sup>2</sup>

**Sessions.** — Congress, as required by the United States constitution, meets once a year, in December. Each new Congress has thus two sessions, lasting from three to six months. Its first regular session is called the long session; but its second regular session can not last longer than from December to March, and is called the short session. The president may call Congress together at any time in special session, and does so occasionally.<sup>3</sup> Congress meets in the Capitol at Washington; the members live in Washington during the session, many of them with their families. The Senate Chamber is in the

<sup>1</sup> The reapportionment made after the census of 1900 gives the House 386 members (37 from New York); it goes into effect in 1903.

<sup>2</sup> The election of representatives (congressmen) occurs in November of the even years. The period for which they are elected begins with the March 4th following (uneven year), and continues two years, i.e. until March 4th of the next uneven year. Thus every two years there is in the House a newly elected body of men; and we call the whole body, Senate and House, a new Congress, and give it a number. The Congress which met in 1901 was the Fifty-seventh Congress—meaning 57th since 1789. As with state legislatures, re-election occurs in many cases, so that a new Congress always consists largely of old members.

<sup>3</sup> Take the 45th Congress, as an example. The period for which it was elected extended from March 4, 1877, to March 4, 1879. It did not meet from March to October, 1877. It had a special session, of two months, from October, 1877, to December, 1877, followed by the long session of six months, from December, 1877, to June, 1878; and, after an interval of six months, came the short session of three months, from December, 1878, to March, 1879.

left wing of the Capitol, and the Chamber of the House in the right wing (p. 171).

**The Chief Business** of Congress is lawmaking; lawmaking for the whole country on the subjects committed to it by the United States constitution (see p. 271). While this occupies most of its time, its other powers are much more important than in the case of state legislatures. I will name four. Congress may declare war, and has done so three times: with Great Britain in 1812, with Mexico in 1846, with Spain in 1898. Congress may remove the president and other United States officials from office for misconduct; the House making the impeachment and the Senate making the decision. No president has ever been removed, but President Johnson was impeached and tried in 1867. The Senate may reject or confirm most of the appointments made by the president. The Senate may reject or confirm any treaty made by the president.

#### ABOUT THE PRESIDENT

**His Election.** — The Fathers of the Republic, when constructing the United States constitution, thought it would be very unwise to have the president elected directly by the people; not having so much faith in government by the people as we have to-day. They provided that he should be elected by a special body of men, called presidential electors, to be chosen solely for that purpose by the people at each presidential election; each state to have as many presidential electors as it had senators and representatives in Congress. Such a body, they thought, would be composed of eminent men, exercising their own independent judgment, free from popular clamor.

But see how circumstances change the effect of laws. The scheme, so carefully planned, and followed as to form ever since, has become but an awkward way to take a direct popular vote. The different parties nominate their candidates for the presidency, and afterwards nominate their candidates for presidential electors in the several states: it being simply understood that the latter if elected will vote for the party's candidate for president. On election day the people of each state vote, not for president, but for the presidential electors nominated in that state. These bodies, called electoral colleges, meet later, each in its own state, and elect the president; the understanding never being violated, though there is no law to prevent any elector from voting for whomsoever he chooses. And so we know who will be president weeks before he is actually voted for.

If no candidate receives a majority of the votes of the presidential electors, the House of Representatives elects the president, from among the three having the greatest number of electoral votes. This has happened twice.

**Term.** — The president's term is four years, thus embracing two Congresses. He may be reëlected as often as the people choose: but out of twenty-nine elections, only nine have been reëlections. When the people wanted to make Washington president a third time, he refused. This illustrious example has been sufficient to prevent any later president being reëlected more than once; which shows the continuing force of a great man's example and opinion.

The president lives in Washington, with his family, during his term of office. The White House is at the same time his residence and the office where all his work

as president is transacted : a small and very unpretentious building, compared with the palaces of European monarchs.

**Powers.**—The president has five great powers, or let us rather say, five groups of powers. They are : to veto any bill passed by Congress, to command the army and navy as commander in chief, to appoint many of the highest United States officials, to make treaties with foreign nations, and to pardon criminals convicted under United States law. All of these powers he freely exercises. Our president has more real power of government than some monarchs.

**The Veto** is his most important power, at least in times of peace. Every bill, after being passed by Congress, is presented to the president. If he signs it, it becomes law from that moment. If he vetoes it, Congress may pass it over the veto, by a majority of two thirds in each house. Very few laws are passed over the president's veto. The presidents, too, have usually acted independently, following their own judgment, and vetoes have not been infrequent. The king of Great Britain and the president of France practically have no veto power, but the German and Austrian emperors practically have the veto.

**Commander in Chief.**—The president is commander in chief of the army and navy, not only in name but in fact. He is just as really the commander, as Alexander the Great was of his army. The generals are subject to



White House.

his orders. He could, if he wished, take the field, but so far his actual part in the wars we have had, has been confined to consulting with the generals, and laying out a general plan of operations. If we should have some great foreign war, a weak or wicked president might do the nation a very great injury. The president may also be called upon by the governor of a state to help suppress an insurrection, and it is his duty to do so, using the army for the purpose. He has been called upon in this way several times in our history.

We read in history of Alexander, Omar, Tamerlane, and other great conquerors. What gave them their power? It was their armies. If then the president is commander in chief of an army, like them, what is there to prevent his using it for his own purposes, as they did? Have the people surrendered this ultimate power of theirs into the president's hands, trusting solely to his character?

No. You can not get an army without paying the soldiers, providing ammunition, etc. But Congress lays the taxes, and says what the money shall be spent for. The president can lay no taxes. The president can not spend any of the public money. It is Congress which determines how large an army we shall have; and so the president is only commander of such an army as Congress gives him. There was no such check on Alexander, Tamerlane, and the others. They raised their own armies. They took the money to support the armies, either as plunder or taxes, sometimes from their own subjects, sometimes from the countries they conquered; but they asked no one's permission.

Most of the European monarchs are now in the same

position as our president as to this : the people hold the purse, but not so fully in all of those countries as in the United States.

Another check upon the president as commander in chief, is that Congress alone has the right to declare war.

**Appointments.** — There are about five thousand United States civil offices to which the president can appoint ; being the most important ones. They include all ambassadors and consuls to foreign countries, all United States judges, the heads of the eight great departments, and the chief officials in those departments. Most of his appointments are subject to confirmation by the Senate. The officers of the army and navy receive their commissions from the president, but are not chosen by him in the same way as civil officials. As a rule they advance from grade to grade according to their service, on a regular plan laid down by law of Congress. The president of France has a greater appointing power than our president ; the monarchs of the other great countries of Europe — except Great Britain — have still greater.

**Treaties.** — The president may make any treaty with any foreign nation, subject to confirmation by the Senate. His treaty-making power is greater than that of the president of France ; in other nations the monarchs often have that power alone ; but in Great Britain the king is without power on this subject.

**Pardons.** — The president may grant a reprieve or pardon to any one convicted under a United States law. With criminals under state law, the president has nothing to do ; and as these constitute the vast majority of the criminals, we can see that his pardoning power is unimportant, compared with the other powers described.

**Vice President.** — The vice president is elected at the same time as the president, by the same electoral college, and for the same term, four years. He has but one duty, to preside in the Senate, in which he has the casting vote. But he becomes president, with all the powers, if the president dies, resigns, or is removed from office. There is far less honor attached to this office than to that of president, and it has never been attractive to those who hoped for something better. Yet five vice presidents have become president in our history, through the death of the president.

#### ABOUT THE EIGHT GREAT EXECUTIVE DEPARTMENTS

**Civil Service.** — To do the daily work of the United States government there are required not far from 200,000 people, not including Congress, the United States judges, or the army and navy. This body is called the Civil Service.<sup>1</sup> About one tenth of them are located at Washington ; the rest are scattered all over the United States. They are arranged in eight departments, as follows :

NAME OF DEPARTMENT.	ITS HEAD.
State Department	Secretary of State
Treasury Department	Secretary of the Treasury
War Department	Secretary of War
Department of Justice	Attorney-General
Post Office Department	Postmaster-General
Navy Department	Secretary of the Navy
Department of the Interior	Secretary of the Interior
Department of Agriculture	Secretary of Agriculture

<sup>1</sup> Government work is of four kinds : legislative, judicial, military, and civil ; done by legislators, judges, soldiers, and the civil service.

**State Department.** — The Secretary of State has charge of the foreign relations of the nation. His office is considered one of the most honorable in the country, after that of president. He conducts all treaty negotiations ; all of our ambassadors and consuls are under his direction ; foreign ambassadors living here see him when they have official business with our government. If we were to give a familiar descriptive name to the Secretary of State, we might call him our Foreign Secretary.

**Treasury Department.** — The duties of the Secretary of the Treasury relate to money. His department collects the taxes due the national government, pays its bills (when ordered paid by Congress), and makes the coin and paper money. All customs collectors and internal revenue collectors are under his direction ; all customhouses and mints, and the Bureau of Engraving and Printing, are in his charge. This department includes a treasurer, who keeps the money and pays it out on proper warrant ; and auditors, who must approve a claim or bill against the government before it may be paid. So we will call this secretary the nation's Finance Man.

**War Department.** — The United States army is the charge of the Secretary of War. His department recruits the army, provides subsistence, guns, ammunition, means of transport. All the forts are in his charge. Not only does he see to it that we have an army, but he directs its operations in time of war, subject to the control of the president as commander in chief. You may well suppose that this department has vastly more important duties in time of war than in peace. We may call this secretary the nation's Army Agent.

There is one duty performed by the War Department

which has more connection with commerce than with war ; namely, the dredging and improvement of harbors and river channels. It is in this work that a large part of its officials are employed.

**Department of Justice.** — Whenever any of the higher officers of the government have a doubt as to their legal duty in an important matter, they may ask the opinion of the Attorney-General. When the United States government must sue in a court, he or one of his subordinates conducts the suit. Those two things, giving legal advice and conducting lawsuits, being the business of a lawyer, we may call this official the nation's Lawyer.

**Post Office Department.** — The vast business of the post office, which consists of collecting, carrying, and distributing the mail, for so many millions of people, which penetrates to every corner of the land, and which includes over 75,000 postmasters, is under the general charge of the Postmaster-General.

**Navy Department.** — The Secretary of the Navy does for the United States navy what the Secretary of War does for the army ; namely, provides for it, and directs its

operations in war, under the control of the president. He may be called the nation's Navy Agent.

**Department of the Interior.** — The Department of the Interior embraces a variety of operations.

Its duties relate to our own country, home matters as it were ; but the title is not a very good one. Its duties relate principally to (1) *pensions* : deciding what soldiers



The Pension Office, Washington.

are entitled to pensions, and paying them ; (2) *Indian affairs*: distributing food and clothing to the Indians in the West, and providing schools for them ; (3) *patents*: examining applications for patents for new inventions ; and (4) *public land*: taking care of and selling the land belonging to the national government, mostly in the Far West. The secretary at the head of this department may, in contrast with the Secretary of State, be called the Home Secretary.

**Department of Agriculture.** — The Department of Agriculture is perhaps the least important of the eight. Its chief duties are to collect statistics and make experiments relating to crops, cattle, sheep, the weather, and other matters which concern the chief industry of the country, agriculture. We may call this secretary the Agricultural Reporter.

**The Cabinet.** — The heads of these eight departments, taken together, constitute the cabinet. They hold frequent cabinet meetings with the president, at the White House, at which important matters coming up from time to time are discussed. The cabinet acts as an advisory council to the president ; but he is under no obligation to follow their advice. Each new president usually selects a new cabinet.

**Appointments.** — In the civil service of the United States government there is no election : all of the 200,000 officials are appointed. The president appoints about 5,000 ; the rest are appointed by some superior official in the department to which they belong. They are not in general appointed for any definite time, and may be removed at any time, by the official having the appointing power. The difference between good and bad government in the

United States service depends largely upon the proper and improper use of the appointing power. In about half of the 200,000 cases, at present, the civil service law limits the appointing officer's selection to persons who have shown themselves qualified, by passing an examination.

**Other Countries** have their cabinets and departments, with a general resemblance to what I have just described. Some have more departments, some fewer; but generally the heads of the departments constitute the cabinet. But there is one very great difference. In many of the countries of Europe, Great Britain and France especially, the legislature is above the cabinet; and if the cabinet takes some line of action of which the legislature by vote disapproves, the whole cabinet resigns, including the prime minister; and a new prime minister and cabinet are selected. This is what is meant when the papers say 'Fall of the ministry in France,' or 'The government defeated in England': It is the parliamentary system.<sup>1</sup> But with us, the cabinet is entirely independent of Congress. Sometimes Congress does show its disapproval of some policy the president and his cabinet (called often 'the administration') are following; but neither president nor cabinet resigns.

#### SUPPLEMENTARY WORK

1. What is a congressman? How many are elected from your state? How many United States senators? Can you name some noted men in our history, who have been United States senators?

2. How many presidential electors is your state entitled to? Is the name of the candidate for president on the ballot which the voter casts? Who is president now? From what state? When does his term end? State the circumstances of his becoming president. What presidents have been elected by the House? In case of election

<sup>1</sup> See page 257, for fuller description of parliamentary system.

by the House, show how a person might get the votes of a majority of the members of the house, and yet some one else be elected. Can any citizen become president?

3. Prove that our president has more real power of government than the king of Great Britain. (See p. 257.)
4. State how a bad president might do the nation a great injury.
5. Name the five vice presidents who became president, through the death of the president.
6. Name the principal government buildings in Washington. Are there any United States buildings out of Washington?

## CHAPTER THIRTY

### COURTS

#### ABOUT THE DIFFERENT KINDS OF COURTS

**State and Federal Courts.** — Each state has its own state courts, and in each there are also certain United States courts. Both state and United States courts comprise two kinds: those in which trial is first had, and higher courts to which appeal may be taken. In our system of administering justice we recognize the fact that judges are human and may make mistakes; so in all cases a party has the right to appeal from the judgment of a lower court, to a higher court.

Do not think of the United States courts as superior to the state courts. Like Congress and the state legislatures, they simply work in different fields; the state courts taking cases arising under state law, and the United States courts those arising under United States law. As most of the disputes about property or money, and also most criminal cases, arise under state law, there are far more state courts than United States courts in any state.

There is much variety among the state systems of courts, but we generally find three grades: courts of justice of the peace, circuit courts, and a single supreme court. In the United States system there are also three grades: the Circuit and District courts, which we may rank together, the Circuit Courts of Appeal, and the Supreme Court.

**Justices of the Peace.**—In general, there are two or three justices of the peace in each township. They may try disputes involving usually not more than \$300, and also petty criminal cases, such as small theft, assault on a person, or trespass on land. In many of the states, these justices are also committing magistrates; which means that they have the power to commit arrested persons to prison until the grand jury shall act upon their cases (p. 193). Justices' courts are often called the people's courts: partly because they hear and decide the cases of the poor; partly because, existing in every town and village, they are always accessible.

**State Circuit Courts.**—Next above the justices' courts come the circuit courts, called in some states district courts, in others superior courts, and other names. These are trial courts also, for all sorts of cases, both civil and criminal. They take the cases which are too large for the justices' courts. They also decide appeals from justices' courts. There are perhaps two hundred justices in a state, but only ten or twenty circuit courts. The state is divided up into districts, and at the principal city or town of each district a circuit court will be held two or three times a year. Thus you generally have to wait some months for the trial of your case, in one of these courts; while in a justice's court it is heard in a few days or weeks.

**State Supreme Court.**—Most of the states have a supreme court; the highest court in the state.<sup>1</sup> It consists of about five to ten judges, sitting as a single court at the

<sup>1</sup> The system of New York is peculiar. Its "Supreme Court" corresponds to the circuit courts of other states, and its highest court is called (as in a few other states) the Court of Appeals.

capital of the state, trying no cases, but deciding appeals from the judgments of the circuit courts.

**United States Courts.** — The United States Circuit and United States District courts, of which there may be two or three in a state, correspond in rank to the circuit courts of the states; and also in kind, being the courts where cases are first tried. The United States Circuit courts try certain classes of cases, e.g. concerning patents, and overpayment of taxes; the United States District courts try certain other classes, e.g. criminal cases, and cases arising from collisions at sea.

The United States Circuit Courts of Appeal, of which there are nine in the whole country, decide appeals in ordinary cases from the United States Circuit and District courts. The United States Supreme Court, a single court of nine judges, sitting at Washington, decides appeals in the most important cases, from the other United States courts, or from the supreme courts of the states when they involve United States law. This court is one of the most respected and dignified tribunals in all the world, and in the decisions it has rendered, it has taken a large part in shaping our history.

#### ABOUT COURT OFFICIALS

The officials connected with a court, or, as we may say, the people who make up a court, are the judge, jury, clerk, attorneys, and sheriff: the judge and jury to decide the matter, the clerk to record the proceedings, the attorneys to present the case, and the sheriff to execute the judgment (constable in justices' courts; marshal in United States courts).

**Judge.** — Courts which try cases sometimes consist of

one judge, sometimes of two or three; courts which hear appeals generally consist of three or more. The judge is of course the most important part of a court; in fact you can do without all but judge and sheriff. Justices of the peace are usually their own clerks, and many of their cases are tried without attorneys. The judge is, in a sense, the court. Justices of the peace are almost everywhere elected by the people. Judges of the higher courts are in most states elected; in a few they are appointed by the governor or the legislature. All United States judges are appointed by the president. The terms of justices are usually from one to five years; of other state judges much longer, and sometimes for life; of all United States judges, for life. We have not yet reached a unanimous conclusion, whether it would be better to elect or to appoint our judges, whether for a term of years or for life.

**Jury.**—The jury usually consists of twelve private citizens, selected by lot from the neighborhood, to decide the facts of a particular case, and changing with each case. It is called a petit jury, to distinguish it from a grand jury which accuses people of crime (p. 194). All criminal cases, except the very smallest, are tried by jury. There are also certain classes of civil cases in which either party has the right to demand a jury trial; but there are certain others, just as important, which are always tried by the judge without a jury. Other nations do not use the jury so much as the United States and Great Britain.

**Clerk.**—The records of a court are kept forever (or are meant to be), in the clerk's office. Clerks are sometimes appointed by the court; sometimes the county clerk is made by law the clerk of all the principal courts in his county.

SUPPLEMENTARY WORK

1. Are there any justices of the peace in your town? Any other courts?
2. Are judges elected or appointed in your state?
3. Name some judges you know.
4. What trait of character, after honesty, is the most essential one to make a good judge?

## CHAPTER THIRTY-ONE

### QUALIFICATIONS AND SALARIES

**Age.**—One must be at least twenty-one years old to hold office. In a few offices a greater age is required ; e.g. a congressman must be twenty-five, the president thirty-five. In our legislatures we see young men and old, but the average is much less than in European legislatures.

**Sex.**—The general rule is that women can not hold office. But where they are given the right to vote, it is quite common to give them also the right to hold office ; e.g. in school matters.<sup>1</sup> They may, however, be employed anywhere as clerks in public offices. In the government offices at Washington there are many of them.

**Citizenship.**—The general rule is that an alien can not hold office. A naturalized citizen may ; but a notable exception is that only a native-born citizen can be president.

**Residence.**—The general rule is that, to hold office for a certain township, county, city, or state, a person must live in that township, county, city, or state.

Notice that through all the above qualifications, the right to vote and the right to be voted for go together.

**Special Training.**—The general rule is that no special training is required by law before one may hold office. There are a few exceptions to this ; thus, it is sometimes provided that a judge must be a lawyer, or that a health officer must be a physician. As to fitness, the voter is the

<sup>1</sup> In Colorado, Idaho, Utah, and Wyoming, which have full woman suffrage, women may hold office. In some other states they may vote for, and serve as, school trustees.

sole judge, and we do see some officials elected, whose education and experience are not such as to fit them for office. There has been the idea among us, that any honest man of good intelligence is capable of doing the work of government well, in at least all but the higher offices: some people think this sentiment has been carried too far.

**Salaries.** — Most of the higher offices carry a salary. The president, governors, mayors, members of Congress and of state legislatures, judges, county auditors, sheriffs, assessors, collectors, many city officials — in short all public officials who are obliged to devote most or a large part of their time to the duties of their office, receive salaries. Salaries vary from many thousand dollars to a hundred or two. The president receives \$50,000 a year, the mayor of New York \$15,000; some governors \$5,000; members of some legislatures \$5 a day, etc.

But there are positions without salary. Boards of education, city aldermen, and township trustees are often not paid. It is found that many men are willing to serve in such positions without pay; from public interest, or for the sake of the honor. Unlike us, the nations of Europe do not pay their legislators: these men must therefore be men of means, who can afford to devote the time to it. This is one thing which tends to create a governing class there.

#### SUPPLEMENTARY WORK

1. Why is a greater age required as a qualification for president than for member of Congress? Why is it required that the president must be native-born?
2. What is the reason for the rule of residence stated above? Is it just, in the case of congressmen, for example?
3. Debate this statement: Any honest man of good intelligence can be a good justice of the peace, school trustee, or sheriff.

## CHAPTER THIRTY-TWO

### HOW A CRIMINAL IS CAUGHT AND PUNISHED

**An Orderly System.** — In primitive times the punishment of a criminal, when he was punished at all, was a very short matter. When Haman plotted to exterminate the Jews in Persia, Queen Esther got the ear of the king at supper, the king said ‘Hang him,’ and they hanged him. But we do not do so. Promptness is a merit, but there are other things to be considered, too.

Haman apparently had no chance to say a word for himself, and was dead within an hour ; but with our criminals, even when taken red-handed, we pursue a certain orderly course, give them the fullest right to be heard, and take at least a month between arrest and punishment. Haman’s fate hung upon the will or caprice of one man, the king ; but criminal justice with us requires the action of a number of different bodies of men. The police arrest, the grand jury makes the formal accusation, the judge and petit jury decide. Each has its own part, and none can control the others.

If the police had the power to decide whether a person were guilty or no, they would abuse the power. To be sure, the nation must have order, and therefore we must catch and punish the criminals ; but to you and to me it is rather more important to have some protection if we happen to be arrested when innocent. Primitive peoples care

more about punishing somebody than about being sure they have the right man ; and you see the same thing in lynchings. But with modern law the case is just the opposite : the law takes good care of the innocent.

The criminal proceedings of the present day are a part of modern liberty. The king of England lost the power to imprison at will only about two hundred years ago, and up to about one hundred years ago '*lettres de cachet*' were in use in France, under which a person could be arrested and kept in prison without any hearing. Our national and state constitutions carefully guard the rights of an accused person (pp. 284, 287).

The following is a sketch of the steps taken to catch and punish one accused of crime ; in their order. It applies to all but petty crimes, simple theft as well as murder or perjury.<sup>1</sup> Two of the steps, the arrest and final punishment, have punishment of the guilty as their purpose : all the others are meant to safeguard one who may be innocent.

**Arrest** is commonly, but not always, the first step. Any one who sees a crime committed may arrest the criminal. The police, the sheriff, and the constable may arrest without having seen the crime committed ; and it is their duty to do so, as soon as they hear of the matter, if they have a reasonable suspicion against any one. Any one entitled to arrest may use all the force necessary. The arresting officer may shoot a man who is trying to escape, and who refuses to stop. Resisting the officers of the law is a crime.

**Examination.** — But the arresting officer may not hold an arrested person indefinitely. The right of personal

<sup>1</sup> Petty cases are punished more summarily (see p. 199).

liberty is one very dear to a free people. The trial of an arrested person will not come perhaps for a month, or six months; but even a week is considered too long for one to be held on suspicion, and so the law provides that his case shall be examined by a magistrate immediately, to see if there is reasonable ground to suspect him. In cities this official is a police justice or police magistrate; in the country, a justice of the peace. The examination begins within a day or two of the arrest. Notice that it is not an examination by the police, but by a judge, entirely independent of the police. If he finds that there is no reasonable suspicion against the man, he sets him free; if he finds ground for suspicion, he commits him to prison to wait until the next grand jury meets, unless bail is given.

This examination is thus a protection to a prisoner. He can not be questioned himself; but he may tell his story, if he wishes to. A man who has a plain story to tell, which clears away suspicion, thus regains his liberty. He may, if he wishes, waive examination; and he is then held without examination, until the grand jury meets, unless he gives bail. After indictment, he has no right to examination.

The French have the examination of an arrested man; but they use it in a different way. The accused man is always questioned. The purpose of the French examination is not so much to protect the innocent man, as to trap the guilty one.

**Bail.** — If the magistrate thinks there is suspicion against the man, and therefore holds him, still our law considers him entitled to his liberty until his trial, if he can give assurance that he will be on hand then. And so we let him give bail — in all but the most serious cases, such

as murder. Bail means the depositing of a certain sum of money in the hands of the court, or an agreement commonly by two property owners, that if the man does not appear at his trial they will pay that sum. The magistrate fixes the amount of the bail; it is generally from \$250 up to \$10,000, according to the nature of the case.

Bail is thus a second protection to an innocent man. Not only that, but even in the clearest case of guilt, it is allowed; for even the guilty man is considered entitled to his liberty until his trial, if he can give the bail required. The property owners who have furnished bail can have the man arrested again before his trial whenever they choose.

**Indictment** is the formal accusation. It is made by the grand jury. A grand jury is a body of citizens in each county (usually twenty-three), changing from time to time. In cities a new grand jury meets each month or two; in country districts, generally once in six months. Their duty is to inquire into all cases of crime in the county, and to make the accusation against a person, if they think there is probability that he committed the crime. To find this out, they call witnesses and question them. The accused is arrested as soon as indictment is found, if he has not been before.

This inquiry by the grand jury is not a trial. They ordinarily hear only the evidence against the man, none in his favor. He has no right to offer any evidence for himself: he has no right to appear there, unless they call for him. Their inquiry is not whether he is really guilty, but whether there is good ground of suspicion against him.

The grand jury is its own master. The prosecuting attorney does not control it; nor any court. It can indict

any one : one who has been arrested and held by the examining magistrate, one who has been arrested and discharged, one who has not been arrested, one who has run away. Ordinarily all cases where the person is under arrest are put before it anyway ; and it may inquire into any other case of its own motion. The grand jury is sometimes called the 'grand inquest,' i.e. the inquirer into crime. But it is concerned only with crimes committed in its own county.

In general, no one can be tried unless he has been indicted by the grand jury of the county where the crime was committed. This principle is considered so important that it forms a part of the constitution of nearly every state : it is in the United States constitution, too. It is government by the people, and on a very important point. An accusation of crime is a matter of the greatest seriousness to a man. In most other countries, except Great Britain, he may be so accused by the prosecuting officers (corresponding to our prosecuting attorney) : but a grand jury is a body of citizens, neighbors, perhaps, of the accused, and some of them are likely to know something about him.

If our arrested man is not indicted by the next grand jury after his arrest, he goes free ; and that too whether the grand jury has voted not to indict, or has simply ignored the case. Here is another safeguard of individual liberty. But this does not mean that he can never be indicted. Perhaps another grand jury will think differently ; perhaps new evidence will have come to light. Each grand jury is its own master.

**Bail.** — Even after indictment, an accused person has the right to give bail. He has not been tried yet, only accused ; perhaps he is innocent ; therefore, says the law, pro-

tect his liberty still. If, however, he does not give bail, he must stay in jail until his trial.

**Extradition.** — But perhaps our man has evaded arrest. Indictment may proceed in his absence. But trial can not. And so, to have the case go on, the man must be caught. An indictment never expires by lapse of time : he may be caught and brought back even years after.

But what if he has fled the state? The officers of the law have no right to pursue their man into another state ; and the man may be tried only in the state where the crime was committed. Extradition cuts this knot. Suppose a crime committed in New Haven (Conn.), the man fleeing to New York. The New Haven police ask the governor of Connecticut for a requisition upon the governor of New York state, that he cause the man's arrest in New York. These requisitions are commonly granted, the man is arrested by the New York police, and carried back to New Haven by the New Haven police. If the man flees to a foreign country, the requisition is from the president to the head of the foreign government. Even if it be a country with which we have no extradition treaty, the president may still request the foreign government to surrender him, and such surrender is sometimes made, as a matter of courtesy between nations.

Extradition, you will perhaps say, is a good scheme if the criminal will wait : thus, in the case supposed, the New Haven police must go to Hartford, thence to Albany, and thence to New York ; and what is the criminal doing meanwhile? Why, merely crossing the ferry to Jersey City, where the requisition is useless. But there is a way to meet this, too. The New Haven police, as soon as they have reason to suspect that their man is in New

York, telegraph the New York police, who immediately begin to look for him, arrest him when found, and hold him until a requisition can be obtained. And this is done, also, across the ocean. In fact, when any great crime is committed, and the criminal gets away, the police of all important places to which he may have escaped are notified by telegraph, trains and steamers are watched, and the police everywhere are on the alert.

**Pleading.** — When the man has been both arrested and indicted, the next step is pleading. He is brought to court, and asked if he is guilty or not guilty. If he pleads guilty, he is sentenced, and the sentence is carried out. If he pleads not guilty, a day is set for trial, perhaps a month or two off.

**Habeas Corpus.** — But the law is not satisfied with the foregoing safeguards for personal liberty. It adds one more, *habeas corpus*. An accused person has the right, at any time before his trial, to bring his case up before a judge of some higher court, to see if he is being held according to law. This judge does not try the case, does not hear any testimony, does not decide the truth of the charge: he simply examines what has been done, to see whether it has been according to law. Such questions as this sometimes arise on *habeas corpus* proceedings: Is the act with which this person is charged, a crime? Is he the person charged, or is there a case of mistaken identity?

**Trial.** — And now we reach the step to which everything else is preliminary, the trial. This decides the person's fate. The magistrate who held the examination, if there was one, only answered the question, 'Is there enough suspicion against this person so that he ought to be detained to see if the grand jury will indict him?' The

grand jury answered the question, ‘Is there evidence against him so that he ought to be tried?’ But the trial answers the question, ‘Is he guilty?’

In the next chapter we shall have a sketch of the steps taken in deciding that question.

**Punishment.**—If the verdict be ‘not guilty,’ the person is released, immediately, that very hour. He can never be tried again on the same charge. If he be ‘guilty,’ he is sentenced, and the sentence is carried out. Both in this case and when a prisoner has pleaded guilty, he may be sentenced at once; but usually he is committed to prison, to wait a few days until the judge determines what the punishment shall be, for the law does not usually fix it exactly. All bail expires at the trial.

There are three kinds of punishment for crime: death, imprisonment, and fine. In most of the states death is inflicted only for deliberate murder. Imprisonment varies from a month or two, for some such crime as the theft of an article worth under \$25, to imprisonment for life, for a killing in the heat of passion. Fines belong to the smaller crimes. In former times, punishments were far more severe. Branding, the stocks, the whipping post, were used a hundred years ago, but have now all but disappeared. In England, but a hundred years ago, death was the penalty for many offenses, even theft.

The punishment of a criminal is frequently a greater hardship to his innocent family than to himself, depriving them of support. But there is no help for it: at least the world has found none yet.

**Appeal.**—Any one convicted may appeal to a higher court. The case is not tried anew in the higher court, but examined, to correct mistakes. Sometimes the verdict is

reversed, sometimes affirmed, and sometimes a new trial is ordered.

**Pardon.**— The last possible step is an application to the governor for pardon ; to the president, if the case was in a United States court. Few criminals are pardoned. When a pardon is granted, it is almost always long after the trial, and for some such reason as that new evidence has been discovered making it clear that a mistake was made at the trial, or that the person has already served most of his sentence and is likely to die if kept in prison.

**Petty Offenses.**— We have been talking so far about crimes ; but there are many petty offenses punished in a far more summary way. The police of cities are arresting people every day, for drunkenness on the streets, fighting, riding a bicycle without a light, etc. The prisoner is brought immediately, or the next day, before a magistrate ; and the case is heard and decided by him immediately. The punishment is a small fine, \$10 perhaps, or a few days in jail. Appeal may be taken in such cases, but this is very seldom done.

**In Other Countries.**— Great Britain has substantially the same criminal system as the United States, including arrest, examination, indictment by grand jury, bail, *habeas corpus*, trial, appeal, and pardon. In the other civilized countries of Europe, the processes are somewhat similar ; but none of them give to the individual so many guaranties of personal liberty. Thus they have no *habeas corpus* ; their indictment is a charge drawn up by the prosecuting officer ; bail is not so freely allowed as with us. Some people think we are too liberal to those accused of crime.

But in the uncivilized and half-civilized countries, there is nothing like what is described above. Most crime goes

unnoticed, but when it happens that a person is arrested there is no indictment, no preliminary examination, no bail, no *habeas corpus*, and often no appeal after trial. Trial (such as it is) may follow so soon after arrest that the accused can not present any defense. On the other hand he may be kept for years in prison without trial. Punishments in such countries are often cruel, such as branding, cutting off the hands, cutting out the tongue, death ; and these too for the lesser crimes, such as theft.

An Inquest is an inquiry made by an official called the coroner, in cases of violent death. It occurs only in cases where there is some reason to suspect that a murder may have been committed ; and its purpose is to find the criminal and get a record of the evidence before the witnesses shall have a chance to forget, or become scattered.

#### SUPPLEMENTARY WORK

1. What is the story of Haman and Esther?
2. Name those steps taken in a criminal case, in which the purpose is punishment of the guilty, and those in which the purpose is protection of the innocent. Are all these steps taken, even in the clearest case of guilt? Why?
3. What is the merit of a grand jury? Why not let the grand jury decide the case, instead of merely making the accusation?
4. Name a prison which was once a symbol of the king's power to imprison at will. What became of it? What is there on the spot now?
5. May a person be arrested for a crime before he has been indicted? Why is bail not allowed in murder cases?
6. Pronounce indictment, *habeas corpus*, subpoena.
7. What clauses in the United States constitution bear on the subject of this chapter? What clauses in the constitution of your state?

## CHAPTER THIRTY-THREE

### HOW TRIALS ARE CONDUCTED



#### An Orderly Method.

—A trial, too, is an orderly proceeding; nothing haphazard. Each side is given plenty of time to prepare for trial: a month or more, perhaps. Each side may compel any

witness to attend and give evidence; if the person does not come after a subpoena has been served upon him, the sheriff is sent to fetch him. The trial itself consists of a certain regular order, always followed.

Each side is given the fullest opportunity to be heard; and this means not only that one may present all the witnesses and evidence he has, but that he is entitled to have a lawyer to conduct his case, and that the lawyer may present any argument he wishes to. There is no such thing as the court's saying: "I am satisfied: I will hear no more." Primitive peoples have not sufficient patience for all this orderliness.

There is no law, however, to compel one to hire a lawyer. Any one may conduct his own case, including the trial. But the unwisdom of such a course is recorded in

the common saying, that the man who acts as his own lawyer has a fool for a client. In a criminal case, if the accused is too poor to employ a lawyer, the court appoints one and the state pays him. That is not done in a civil case, however.

Let us suppose that the day for trial has come, the complainant and defendant have come to court, each with his lawyer and witnesses ; the judge and jury are in their places. The method of trial is the same, whether it is a dispute about property, or for some injury to the person, or a criminal case. In a criminal case, the state (or United States) is the complainant, and the prosecuting attorney, its lawyer.

**Complainant's Side.** — The trial opens with a speech to the jury by the complainant's lawyer ; telling them what the case is about, and what his witnesses will prove. Then he calls his first witness and asks questions, so as to bring out the facts which that witness knows ; when the complainant's lawyer is done, the defendant's lawyer asks questions of the witness, to bring out any other facts which he thinks important in the case. Then follow, in turn, complainant's other witnesses, each being examined by complainant's lawyer and cross-examined by defendant's, until complainant has presented his entire case. The judge or jury may also ask questions, but jurymen seldom do.

**Defendant's Side.** — The defendant's lawyer then makes his speech to the jury ; telling them what his witnesses will prove. Then he calls his witnesses in turn, each one being examined by him and cross-examined by the complainant's lawyer.

All the testimony is given by question and answer.

No witness is allowed to do anything but answer the questions put to him ; he is not allowed to make any argument or comment ; he must state no fact that the questions do not call for. If a witness refuses to answer, his refusal is called contempt of court, and he may be sent to jail.

**Arguments.** — All the evidence being given, the next step is the argument before the jury. Each lawyer addresses the jury, trying to show from the evidence that his side has the right. He may use any argument he chooses founded on the testimony given, but may not refer to anything not testified to. The defendant's lawyer speaks first, the complainant's after.

**Judge's Charge.** — After the arguments, comes the judge's charge to the jury. Its purpose is to show the jury distinctly the points they are to decide. He does not say they are to believe this witness or that one ; he does not say that one side or the other has the better case ; he has his opinion, perhaps, but he conceals it.

But giving the charge is not all the judge has to do, in a trial. All the way through the trial, it is his duty to see that no improper evidence is given. There are two kinds of improper evidence, hearsay and irrelevant ; that is, no one is allowed to testify to what another has told him, only to what he knows himself ; and every fact testified to must have some bearing on the point in dispute. A question is asked of a witness by one of the lawyers ; the other lawyer objects to it ; the judge decides whether it may be answered or not. In every trial there are many such questions asked, and stricken out.

**Verdict.** — Up to this point the jury has had nothing to do but listen ; but now the decision of the case is in their

hands. They retire to another room, alone, and discuss it, sometimes for a few minutes, sometimes for hours. In most states all twelve jurymen must agree, or there is no verdict. If they can not agree, the case is tried over again later, before another jury. When they agree, and have reported their verdict to the judge, the trial is over.

All criminal cases are tried by jury (except the petty cases referred to on page 199); but there are many civil cases tried by a judge without a jury. In such case, the judge has the right of decision, and the trial ends with the arguments.

**Formerly.**—For three or four centuries now, some such orderly and fair method of trial has been pursued in all the countries of Europe in civil cases; but it is only within the latter half of that time that one accused of crime has had a fair chance. Before that he had no right to compel witnesses to come, no right to have the witnesses testify in his presence, no right to a lawyer; and in many other respects his rights were limited. That is why we find these rights mentioned in our constitutions. In those days the man who found himself in the hands of the law, whether innocent or guilty, had great cause for fear; nowadays the innocent may feel safe, especially in this country.

**In Other Countries Now.**—In the civilized countries of Europe, trials are in general fair, and the accused has a chance to show his innocence, though he is not favored so much as in this country.

But in the uncivilized and half-civilized countries, an arrest commonly means punishment. There is small chance, when one is arrested, that he will be acquitted, whether he is innocent or guilty. He has no way to compel witnesses to come. Haman's case is typical of what is

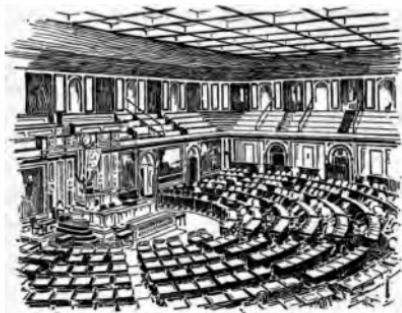
going on now in such countries as Morocco, Egypt, China, and even Turkey. The accused, if lowly, is convicted without a chance to defend himself, or kept in prison without trial: if rich, he can always bribe himself free. Russia does better than that for ordinary crimes, but political prisoners (those accused of plotting against the government) are often condemned and sent to Siberia without being heard.

#### SUPPLEMENTARY WORK

1. Attend a trial, if possible, and describe what you saw.
2. What clauses in the United States constitution bear on the subject of this chapter? What clauses in the constitution of your state?
3. Why is testimony given by question and answer? Why is hearsay testimony excluded?
4. Name some noted trials, recent or in the past.

## CHAPTER THIRTY-FOUR

### WHAT GOES ON IN A LEGISLATURE



#### An Orderly Business.—

A legislature always meets in the same city, and in the same building. Each of the two houses has its own chamber. Each member has a particular seat assigned to him for the session. There is a regular series

of steps that each bill takes on its way to become a law. There is a daily order of business. And there are rules to regulate the speaking. Rules, order, regularity; this is the only way in which a body of people assembled together can do business. The proceedings are in general the same in Congress and in the state legislatures.

**Presiding Officer.**—Every deliberative assembly, if of more than eight or ten people, must have a presiding officer. Rules do not amount to much if there is no one to enforce them. It is the presiding officer's duty to enforce the rules, and to see that the regular order is followed every minute. He is just as necessary to an assembly as a colonel is to a regiment; he is the flange on the carwheel, which keeps the train on the track.

The first thing, then, which each house of a legislature does on meeting, is to elect a presiding officer, if there is not one already. State senates usually have one already provided, in the person of the lieutenant governor; the United States Senate has one in the vice president. But the lower house, both national and state, elects its own; who is usually called the speaker.

The presiding officer has from his position much power in the way of directing legislation. The speaker of the United States House of Representatives is considered one of the most important officials in the United States.

**Clerk.** — Not everything that is said and done in a legislature is put down in a book and kept, but certain things must be. For instance, the final votes on all bills are recorded; the speeches usually are not. And so each house must have a clerk. He is usually appointed by the house, but is not a member of it.

**Committees.** — At the beginning of a session for any year, the members of each house are divided off into committees. Each member is put on one or two, sometimes on five or six. There are often twenty or thirty committees, with five to ten members each: committee on ways and means,<sup>1</sup> committees on cities, on railroads, on the public debt, on public schools, and so on through the principal subjects upon which laws may be passed. The presiding officer usually appoints the committees.

When the officers have been elected, and the committees appointed, the house is said to be organized, and is ready to begin business.

<sup>1</sup> That is, ways and means to obtain the money necessary for the support of the government; and so it is the committee on taxation. The ways and means committee in Congress is the most important of all its committees.

**Message.**— At the opening of the session, the president sends a message to Congress, the governors send messages to their legislatures. This message is merely a suggestion: the legislature is not compelled to follow it, and frequently does not.

**Introduction of Bills.**— All the work of a legislature is directed to some definite law proposed. There is no general discussion, resulting in a definite proposition: the definite proposition comes first. The proposed law (called a bill) is drawn up and submitted in complete form. The great speeches in Congress of Webster, Calhoun, Clay, were not lectures, but arguments for or against some proposed law. Sometimes, as we see, the arguments live in history, while their occasions are forgotten. The introduction of a bill, then, all written out in exact form, is the first step in turning it into a law.

A bill may be introduced by any member of the house, but by no one else. If you, a private citizen, wish a certain law passed, you may draw it up yourself, and ask some member of the legislature to introduce it. He may consent, or he may refuse. It may be introduced in the senate first, or in the lower house; but it is quite common to introduce the same bill in both houses at the same time, so that it may be on its way through both. In some legislatures, bills to raise money must originate in the lower house. Bills may be introduced at any time during the session.

But while the public can not introduce bills, it may present petitions to the legislature; and this is sometimes done.

**Reference to Committee.**— Each bill, as soon as introduced, is sent to some committee. Generally, it is then printed. The different committees meet in their com-

mittee rooms at hours when the legislature is not in session. The legislature sits perhaps from 11 o'clock till 2 ; and then the members are free to attend their committee meetings. Any one may appear before a committee, to favor or oppose a bill. After considering the matter, the committee reports its approval or disapproval of the bill to the house. Often the most important discussion is had in committee.

The report of a committee carries great weight. Few bills which have been disapproved in committee are passed by the house ; though the house has power to disregard the committee's advice. Many bills are allowed to sleep in the committee and are never reported ; it is a gentle way to disapprove. But the house may at any time order a bill reported. The house is master, not the committee.

**Debate.**— It is after the bill has been reported that debate over it occurs in the house, if at all. Any member may speak ; and as long as he chooses (subject to the rules of the house). Spectators are often present in the galleries, but only members may speak in the house. Most bills, however, are disposed of without much debate. On the other hand, the debate over a bill which has aroused public interest may last for days or even weeks.

It is often provided by the rules that a bill shall be read aloud in the house three times before passage, but in practice very few bills are read through more than once.

**Vote.**— After the debate, comes the vote. Most bills, to pass, require only the votes of a majority of those present. But some, such as those requiring the spending of the state's money, often require more ; e.g. two thirds of all the members elected to the house. In some states all bills require a two thirds majority.

**To the Other House.** — The vote ends the journey in that house ; if passed, the bill is sent to the other house, and there goes through the same mill: introduction, reference to committee, hearing, report, debate, and vote.

**To the Governor.** — If the bill passes both houses, it then goes to the governor (or president, as the case may be) for his veto or approval.<sup>1</sup> If he signs it, it is a law. If he vetoes it, it goes back to the legislature, to see if they will pass it again over his veto.

**Amendment.** — Wherever a bill may be, on its journey through the two houses, it may be amended. Sometimes the amendment is so radical that the bill starts as one thing, and comes out another. The committee, the house, the other house, any one of them may change it. But if it is changed by the second house, the first house must pass it again, before it can go to the governor (or president). If the two houses can not agree, sometimes a conference committee is appointed, with members from each house, to see if the bill can not be modified so as to be acceptable to both. But the governor (or president) has no power of amendment ; he must sign it or veto it as it stands. In some states, however, the governor may consider the items of an appropriation bill separately, and strike some of them out before signing the bill.

**Daily Order.** — Each house establishes for itself a daily order of business ; certain hours for introduction of bills, for petitions, for debate, for voting, etc. As the session progresses, and the quantity of business increases, each thing to be done falls into its regular place on the calendar, and the house seldom takes up anything out of its

<sup>1</sup> In Ohio, North Carolina, and Rhode Island, the governor has no veto, and a bill becomes a law upon passing both houses.

order. In Congress and in the legislatures of some of the states, the volume of business is so large that a great many bills fail to pass because they are not reached in their order.

**Rules for Addressing the House.**—There are many: I will mention three.

No member is allowed to address the house without permission of ‘the chair,’ as the presiding officer is often called. This permission is granted as matter of course, unless somebody else is speaking, or a vote is being taken. The member rises and says ‘Mr. Speaker.’ The speaker responds, ‘The gentleman from . . .’; or simply nods his head. If two or more members rise together, the speaker recognizes one, saying, ‘The gentleman from . . . has the floor.’

There is always some question before the house. If a member tries to speak on another question, the presiding officer may stop him.

When the house considers it has heard enough about any bill, and is ready to vote, it may cut off all further debate. This is called ‘taking the previous question.’ Some houses, and among them the United States Senate, do not have this rule, and allow debate to go on as long as any one wishes to speak upon the question.

**Other Things Done.**—Now and then a state legislature has a United States senator to elect. Once in a while, some official is impeached and tried (see p. 167), but in many states this has never occurred.

The United States Senate has much to do in considering the appointments and the treaties made by the president, which it sometimes rejects. When considering appointments or treaties, the Senate is said to go into

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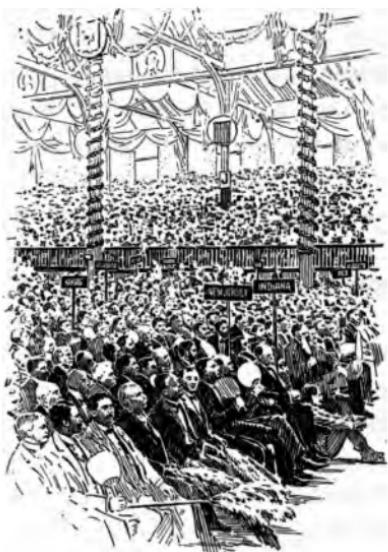
'executive session'; a secret session, from which reporters and spectators are excluded. It usually happens, however, that the reporters in some way get early information of what is done there.

### SUPPLEMENTARY WORK

1. Give various words meaning presiding officer (any kind of assemblage). What is a presiding officer's chief duty?
2. Find, if possible, a recent president's message, and make a list of the subjects it treats of.
3. What is the difference between a bill and a law? What is the purpose of legislative committees?
4. What is the appropriateness of the term 'executive session'? Why does the Senate attempt to make it a secret session? Why does it not succeed?

## CHAPTER THIRTY-FIVE

### NOMINATIONS AND PARTIES



**The Purpose of Nomination** is to concentrate the vote on a few candidates. A nomination is a suggestion. If, before an election, no suggestion is made, that Mr. A or Mr. B would be a good man to elect, the whole alphabet might be voted for. You and I and all the other voters may be willing to vote for Mr. A, or Mr. B, or Mr. C,—some one of the three: and thus their nomination serves to concentrate our votes upon

them. Even in a club or church meeting, where the people are few, and where they meet and talk to one another, it is convenient to have nominations made before the voting begins. It is far more essential in a political election, where the voters are hundreds or thousands, and where they do not meet, and do not know one another. And so elections are always preceded by nominations.

**Not Derived from the Law.**—There is no law making

a prior nomination necessary to an election. Any number of candidates may be nominated for the same office ; any one may suggest another. Sometimes, in local elections, a person offers himself as a candidate. An election would be perfectly legal, though not a candidate should be mentioned beforehand, and each voter should select one for himself. The law allows me to vote for any one, whether nominated or not : for myself if I wish to. Under the Australian ballot system, now generally adopted in this country, the voter is required to use a certain ballot provided by the government, and that ballot, in general, contains only the names of the party candidates ; but a way is always provided by which the voter may not only choose between these candidates for each office, but substitute another if he wishes.

Parties in like manner are neither created, nor made necessary, by the law. Like nominations, they grow up outside the law. Any one may start a new party, at any time ; if he can. But parties take a very prominent part in every system of popular government, nevertheless, especially in the United States.

**The Two Parties.** — We commonly find, when election day comes around — we, in the United States — that there are only two candidates for each office who have any likelihood of election : one nominated by the Republican party, the other by the Democratic party. It makes no difference whether the election is for president, governor, or constable ; in Massachusetts, Oregon, or Texas ; these two parties almost always name their candidates. Occasionally there are other parties, with their candidates — the People's party, the Labor party, the Prohibition party, the Silver party, etc.

The United States has had, most of the time, but two great parties. From 1789 to about 1818, they were Federalists and Republicans; from 1828 to about 1854, Whigs and Democrats; from 1860 to the present, Republicans and Democrats. From time to time we have other parties, but the two great parties usually divide nearly all the vote. In all the presidential elections since 1860 they have had over 96 per cent of the vote, except once, when they had 88 per cent.

**Party Conventions.**—Perhaps the most important part that parties play in the United States is as nominating machines. When an election is to occur, each of the parties holds a nominating convention. If it be a governor, or other state officer, that is to be nominated, the convention is composed of delegates from all parts of the state; for county offices, a county convention; etc. Once in four years occur the national conventions, to nominate candidates for president; and these are among the most exciting events in our political life, often as exciting as the election itself. Each convention is held in a large hall in some large city, like Chicago or St. Louis. The delegates, 1000 perhaps, coming from all parts of the country, occupy the central part of the hall; while around them assembles a vast audience of 10,000 or 15,000 people. The proceedings often last three or four days, which the whole country watches, in the newspapers, with the most intense interest.

The state conventions and national conventions also adopt 'platforms.' These profess to be statements of the principles the party is contending for in the coming election.

**A Primary** is a meeting, not of delegates, but of the voters belonging to a party, living in a certain district.

They elect the delegates who are to attend the conventions. Township candidates are frequently nominated at the primaries, instead of at a convention. Each party has its own primaries ; intended, of course, only for members of that party.

But here is a point of difficulty. No person is under obligation to belong to any party. You may vote this year for the candidates of one party, and next year for those of the other. To which party do you belong, in such case? Are you entitled to vote at the primaries of either? The rules of the parties in this regard have differed at different times and places. Sometimes, before one may vote at a primary, he must be able to say that he voted the whole ticket of that party at the last election, without scratching (i.e., without scratching out any name) ; sometimes he must be willing to promise that he will vote for its candidates at the coming election, whoever they may be. As matter of fact not more than one quarter of those who vote at elections attend the primaries ; the rest surrendering the power over nominations which they might have.

**Party Leaders.** — Every collection of human beings has its leaders. As an army has its officers and commanding general to do the planning and thinking, so each party has, for the same purpose, its leaders. But the likeness to an army stops there. The generals, colonels, captains, etc. of an army are all appointed in some regular way : the leaders of a party are not appointed or elected by any one ; they simply grow to be considered leaders as their influence increases. Sometimes they are officeholders, sometimes not. The officers of an army have regular grades of authority one over another, and over the privates ; but one party leader has no legal authority over

another or over the members of the party. The president is sometimes called the leader of his party ; but the local leaders of a state, a city, or a town manage as they choose, and do not consult the president.

Complaint is often heard that we are too much under the control of party leaders ; that they control conventions and primaries, and so are able to make nominations to please themselves. Sometimes we hear one person called the 'boss' of the Republican party in such a state, or the 'boss' of the Democratic party in such a city. Sometimes we hear it charged that the boss is even directing the members of a legislature belonging to that party, what laws to pass, and what to defeat. Sometimes these charges are true.

**Parties originate** in great questions. What is a party ? The natural answer to that question is that it is a part of the people who want a certain thing, who think alike on a certain important question. They come together and nominate a candidate, who, if he is elected, will help forward their ideas. In other words, parties are supposed to be founded on principles. Yes : they begin that way. The principle which founded the Federalist party was that the country should have a national government independent of and stronger than the states. The present Republican party was founded to prevent the extension of slavery into the territories beyond the Mississippi.

But parties outlive their first principles. New questions are arising all the time, and instead of a new party being formed for each new question, the old parties take them up, and take sides. The question of slavery was settled over thirty years ago, but the Republican party still nominates its candidates.

And a strange thing is, that although the principles they are fighting over change with almost every election, yet in the main each party remains composed of the same people. Nine tenths of the voters never change from one party to another. The American voter is perhaps as independent as any voter in the world ; but he could be far, far more independent than he is.

**In Other Countries.**—Great Britain, like the United States, has two great parties, the Conservative and the Liberal, formerly Tory and Whig. Thus the two nations which have the most self-government have similar party divisions. In other countries of Europe we find three, five, or even more parties : which are so many groups whose opposition to one another is so bitter that they can not unite. Probably neither Germany, nor Austria, nor Italy could remain a single power without the binding force of a monarchy.

You will sometimes hear the word party used in connection with such countries as Russia or Turkey : such as the Young Turks party. Do not give it the meaning with which we are familiar here. In the self-governed nations, Great Britain and the United States, both parties are alike in patriotism and love of self-government. But in a despotism, a party is much more like a group of revolutionists, plotters against the government. In South America a party is, in the main, merely the adherents of some ambitious individual.

#### SUPPLEMENTARY WORK

1. How many nominees for president were there at the last presidential election? Who were they? What parties? When and where were the Republican and Democratic conventions held?

2. What is a 'paster'? What is 'bolting the ticket'?
3. Get an official ballot, Australian system, and explain how to use it in voting. How may you vote for some one whose name is not on the official ballot?
4. Can you think of reasons why Great Britain and the United States have but two 'great parties,' while in Europe generally there are more?
5. What is partisanship?

## CHAPTER THIRTY-SIX

### SOME POLITICAL ISSUES

**The Causes** of political issues are differences of opinion and interest. Unlike algebra and geography, with their exact rules and known facts which no one disputes or can dispute, the science of government, as we have seen, is full of unsettled questions, upon which people may honestly have different opinions as to what is right or best to do. Any proposition, the subject of debate or struggle between those who favor it and those who oppose it, may be called an issue. When the two parties take sides upon such a question, and put it into the platforms, it becomes an issue between the parties.

Personal interest, too, enters into every issue ; sometimes that is all there is of it. And so the parties (not only the politicians, but the voters also) sometimes become two bodies of men struggling to have that side prevail which will benefit them in business or property.

**Issues last** longer than you would think. Perhaps you think that when a certain issue has been taken up by the two parties, and the people have voted upon it, the result of the vote settles it. Sometimes ; but rarely. The same issue may arise in two or three successive elections. The great issues often last twenty-five, perhaps fifty years. It took seventy-five years to settle the question of slavery in the United States. And so every country has a stock

of issues on hand : not all involved in every election ; but always being discussed ; and coming into an election now and then. I will try to explain four of the most prominent issues of our own time.

**Civil Service Reform.**— About 1830, when General Jackson became president he introduced into the national civil service what has been called the ‘spoils system.’ The name comes from the saying ‘to the victors belong the spoils’; and the spoils system is the practice of turning out of office, after an election, any appointed official or clerk who belongs to the other party, in order to appoint some one in the party, as pay for party work he has done. It does not apply to elected officials, for they are elected for a certain term and can not be turned out.

And so, after a presidential election it was customary, with both parties, to remove thousands, even tens of thousands, simply to make room for party workers. The same thing prevailed, too, in state and city offices, and even, but to a less extent, in county and township offices. It is generally admitted that the result of such a practice is a lowering in the grade of the officials and clerks, and a lowering in the quality of work done. That means more cost to the taxpayer ; and everybody is a taxpayer.

But a beginning has been made in changing the practice. There are not now so many removals. Laws have been passed, both by Congress and in some states, establishing competitive examinations for applicants for office, and requiring an official who has clerks to appoint, to appoint them from a list of persons who have been examined and found competent.

Yet civil service reform can not be said to have won its battle yet. Nobody denies its merit, and the parties

profess in their platforms to believe in it. But here's the rub : A is a useful man, doing party work, going to conventions, making speeches before election, having some influence over a certain class of voters ; he will not do that work unless he gets some office and its salary ; and so the party leaders find it to their interest to have him appointed. Or, B wants to go to Congress, while C, who is a party leader, wants to be postmaster in a certain place : so B agrees, if he is elected, to ask the president to appoint C postmaster, and in return C agrees to help B get the nomination for Congress. In other words, the spoils system is very useful to the politician, in helping his party to win, and many politicians are therefore opposed to civil service reform.

The principal nations of Europe do not practice the spoils system so extensively as we do ; but they can not be said to be without it altogether.

**Protection and Free Trade.** — The question of protection has been a prominent issue since about 1830. It is all a matter of import duties. Protection means high duties, free trade<sup>1</sup> low duties, or none, on articles made both here and in foreign countries. The idea of protection is, that if the foreign articles are allowed to be imported without duty, and they are cheaper, everybody will buy the foreign goods, and our own manufacturers of these goods will have no chance. The idea of free trade is, let those who want, buy where they can buy cheapest.

This is a question upon which honest and able thinkers have differed in opinion. I will simply give the main argu-

<sup>1</sup> The phrase free trade is here used as equivalent to 'tariff for revenue only.' All parties agree in using import duties as a means of taxation ; protection means higher duties than are necessary for taxation purposes.

ments on each side. The protectionist says that protection develops the resources of a country, gives it all sorts of manufactures, and so makes it independent of other countries ; that protection also gives the workmen in the protected industries (some say, other workmen too) higher wages than they would get under free trade. The free trader says that even if protection helps a few manufacturers, this benefit is at the expense of the larger number of people who have to buy those goods and pay the higher price, which is unfair ; that protection leads to bribery of legislators by those whose interest it is to have high duties.

During most of the time since 1830 this country has laid protective duties on many sorts of merchandise ; sometimes adding 50 per cent or more to the price. The Republican party has been protectionist ; the Democratic party has leaned the other way. Which way we shall turn in the future, no one can tell.

Most of the European countries are more or less protectionist. England's policy is free trade.

**Free Coinage of Silver.**— In the presidential election of 1896 the issue was the free coinage of silver as money, at the ratio of 16 ounces of silver to 1 of gold. The Democratic party favored it. The Republican party opposed it. I will merely state the question, without the arguments.

The present gold dollar contains  $23\frac{2}{100}$  grains of pure gold; the present silver dollar contains  $37\frac{1}{4}$  grains of pure silver ; the ratio in weight therefore is about 16 to 1. Under the law any one owning gold of proper fineness may take it to the United States Treasury and have it coined into gold coin without charge, at the rate of  $23\frac{2}{100}$  grains to the dollar : that is free coinage of gold. But one

may not take his silver to the government and have it coined into dollars at the rate of  $371\frac{1}{4}$  grains to the dollar. The issue was whether the owner of silver should have that right. The trouble in the case lies in this fact : the market price of the gold in the gold dollar is just one dollar, but the market price of the silver in the silver dollar, while formerly a dollar, is at present only 45 to 50 cents.

**Imperialism** is a word around which there has been much discussion. This discussion arose in connection with the Spanish war of 1898, and relates to what should be, or should have been, our treatment of Porto Rico, the Philippines, and Cuba, and in general to the question of our having colonies or possessions outside of the North American continent. It has not yet reached the point of representing a clear issue between the parties. ‘Expansion’ is a word also used in connection with this subject.

**Our Present Situation** is a very happy one. Not that the issues just mentioned are small and unimportant, but that other countries present so many which are so much more serious, threatening their very life. We have seen that the nations of Europe are continually armed, in dread of war with one another. Perhaps the greatest calamity which can befall a people is civil war. Civil war, arising from race jealousy, religious jealousy, or a struggle over free government, is a continual cause of dread and danger in most of the countries of Europe. But we have none of these, at least not sufficient to cause any fear of civil war. European governments are always on the watch for treason: we seldom use the word.

On the whole we are far better situated than ever before. After the Revolution the question arose whether the

country should be one nation or thirteen. That hung in doubt, until the adoption of the United States constitution and a few years of life under it had set the question at rest forever. Then the question of slavery grew bigger and more intense, until the war of 1861 ended it. Prophecy is difficult, but it is hard to imagine any political question likely to arise here in the near future, so dangerous as these two which we have settled.

#### SUPPLEMENTARY WORK

1. Can there be parties without issues? Name some issues which have been settled in the course of our history. Do party platforms tell the truth?
2. Explain what it means to vote for 'principles, not men.'
3. The four issues mentioned could be used as subjects for debate.

CLARK'S GOV. — 15.

## CHAPTER THIRTY-SEVEN

### POLITICAL CORRUPTION

**Corruption exists** in all governments. Dishonest men get into office sometimes ; in other countries, and in our own good land. Opportunities to steal the public money in some secret way occur perhaps as often in a republic as in a monarchy. No political party is free from it ; all the rascals never belong to one party. Not that politics must from its nature be corrupt — far from it — but we can hardly hope to drive corruption entirely out until dishonesty is driven out of the world.

**The Methods** of corruption are numerous. Plain stealing is one ; as when a county treasurer takes the county money and runs away. But that does not happen often. There are, too, a thousand roundabout and secret ways by which a dishonest man can use an office to benefit his own pocket, instead of simply discharging its duties for the benefit of the people. A mayor, or other official, is charged with the duty of having a certain building built for the city ; a contractor secretly agrees to give the mayor \$10,000 if he will award the contract to him. A policeman arrests a man on the street, receives \$25, and lets him go. Nobody is the wiser in either of these cases. These are cases of plain bribery.

Here is another form. A is a bridge builder ; B a road commissioner who can if he wishes award the contract for a

new bridge to him ; C the auditor who is to decide whether the bills are correct or not ; D the treasurer who is to pay them. The scheme is arranged between them. A charges \$40,000 for work which is really worth \$25,000 ; B awards him the contract ; C audits the bills ; D pays them ; and the four rascals, A, B, C, and D, divide the extra \$15,000. That is a 'ring.'

There is still another kind of corruption, called 'jobbery.' Here is a sample. An alderman, we will say, has not the power to award the contract for cleaning the streets, but he is an intimate friend of the official who has. Some contractor says to him, 'Say a good word for me to your friend, and I will give your son a position at a good salary.' Bribery and jobbery come pretty close together sometimes. The 'boss' of a party has very great opportunities for such things, if he be a dishonest man.

**The Danger**, in corruption of any form, is very great ; for it is an evil which feeds on itself, and, if not checked, destroys good government in the end. Jobbery soon leads to bribery ; bribery to plain stealing ; and the sense of public duty vanishes. A legislature, bribed more and more, would in time pass no laws but those which stole from the people ; a police force, accepting bribes from certain classes of criminals, would in time become partners with all criminals, and cease even to keep order. If a republic should ever reach the point where a large proportion of the voters could be bribed, the very basis of self-government, independent voting, would be gone.

**The Amount** of corruption actually existing, I do not care to estimate. Only a small minority of our officials are corrupt. Some think that there is more dishonesty in public life than in private life ; others deny it. Europeans have

the idea that politics is more corrupt with us than in Europe ; but there is no good reason to think so. In the civilized world as a whole, corruption in office has decreased during the last century : bribery in the British Parliament, quite common a hundred years ago, is now almost unknown. Corruption is worst, with us, in our great cities.

Corruption is often charged where it does not exist. At the time of an election, the newspapers often charge that bribery of voters is going on — by the other party, not their own. Perhaps it is, to some extent ; but it is prudent to take newspaper charges, during a heated campaign, with a grain of salt.

**In Half-civilized Countries.** But compare the United States and Europe with the half-civilized countries, such as China and some parts of South America. In these latter corruption is the rule ; and the honest politicians are the small minority. Public office is taken with the purpose of getting rich. The governor of a province, the judge of a court, the common taxgatherer, all practice extortion and bribery. It has been stated that in China only one third of the taxes collected from the people ever reaches the public treasury.

#### SUPPLEMENTARY WORK

1. Which is worse, incapacity in office, or corruption? Illustrate, in case of a judge. In case of a legislator.
2. What effect upon corruption has independent voting? Is it better, with reference to possible corruption, to have the votes pretty evenly divided between the two parties, or to have one party very much stronger than the other?
3. How would you rid the country of corruption?
4. What difference does it make to the laborer, if he pays no taxes directly, whether the official steals the public money or not?

## CHAPTER THIRTY-EIGHT

### **INTERNATIONAL RIGHTS**

**International Law**, called also the law of nations, consists of the rights and obligations existing between nations, or between a nation and foreign citizens ; both in peace and in war. There is no parliament of the whole world laying it down ; its basis is simply custom : the custom of modern times, and of the civilized nations. A moral right, no matter how just, which is not generally admitted in practice, is not a part of it. The law of nations is a growth of the last five hundred years. It does not apply to the uncivilized races, and only partly applies to the Asiatic nations. The following are its main rules.

**Right of Recognition.**— Whenever a new nation is established, it is recognized as such by all the others : it enters the family of nations, a full equal, not in power, but in rights. Whenever a new government is established in an old nation, it is recognized as the government of that nation. Here are some cases : a colony breaking away from its mother country and becoming independent ; a usurper establishing himself on the throne of a country ; a monarchy changing to a republic. In the same way, if one country after a war annexes to itself part of the territory of the other, or even absorbs the whole, all the other nations generally accept the fact.

The question of right and wrong is not considered in

the recognition. Thus, in the numerous South American revolutions, our president—the right of recognition belongs to him—does not inquire into the justice of the matter; but as soon as one party has successfully established a new government, he recognizes it as the government of that country. The act of recognition may be a proclamation, the reception of envoys from the new government, or any other act implying a recognition.

**Non-intervention.** — It is a general rule that nations do not interfere with one another's affairs. Each is sovereign and independent both as to what goes on within its own boundaries, and as to its foreign relations; governs in its own way; makes such treaties as it chooses; and has the right to demand 'hands off' of all the world. If two go to war, or if civil war arises in one, all the others remain neutral. It has been especially the policy of the United States to keep out of all European quarrels. The family of nations is a group of bowing acquaintances, rather than friends.

But this rule of neutrality is very often broken. Any of the great nations of Europe would intervene in a war which was likely to destroy the balance of power there, by making another too great. They sometimes intervene to prevent annexation after a war. The United States in 1898 considered that it was right to intervene between Spain and Cuba.

**Monroe Doctrine.** — In 1823 the monarchies of Europe seemed to be threatening to help Spain regain her colonies in South America, which had then about achieved their freedom. The United States feared the reestablishment of monarchy on the American continent, and President Monroe used these words in his message to Congress of

that year : ‘We could not view an interposition for oppressing them, or controlling in any other manner their destiny by any European power, in any other light than as a manifestation of an unfriendly disposition towards the United States’ : which was practically a threat to intervene in favor of the new South American republics, if Europe intervened against them. This was the Monroe Doctrine. Since its origin there has been a tendency to extend it to mean that no European nation should be allowed to acquire new territory on our continent ; but its first purpose was that the principles of monarchy should not get a stronger foothold on this side of the ocean.

**Treatment of Ambassadors.**— Nations are very touchy ; and for that reason diplomacy is full of punctilio. An ambassador must be treated with the highest respect by the government to which he is sent, as representing in his person a foreign nation : an insult to him is an insult to his nation, and may cause a war. Ambassadors do not, like ordinary foreigners, come under the laws of the country where they are, but continue under the laws of their own country ; and this rule applies to their families and servants, but not to consuls. If a murder should be committed by one of an ambassador’s suite, the person would be sent home for trial and punishment.

**Right of Intercourse.**— In times of peace, nations allow to foreigners nearly all the rights their own citizens have, except the rights to vote and to hold office. They may travel in the country, live there, trade there, own property there, and use the courts to protect their rights : all as freely as the citizens. Immigrants (with few exceptions) are freely received, and after a certain number of years may become citizens. In time of war, the citizens of the hostile nation

may have many of these rights curtailed for a time : sometimes they are given a certain time to leave the country. Never before in the history of the world has the foreigner enjoyed such liberty. Peaceful immigration among the nations has taken the place of that hostile invasion which was the history of Europe during the Dark Ages.

**Causes of War.** — History tells the causes of war, but international law does not attempt to say which are just and which are unjust causes : it is a question of morals. Every nation makes war when it chooses, and consults the public opinion of the world very little. In fact there is no such thing as a public international opinion, strong enough to be a real power, like public opinion within a nation.

**Combatants.** — But with regard to methods of warfare, international law has established certain rules, which are generally observed by all civilized nations. It forbids the use of poison and poisoned weapons, the killing of a disarmed enemy, the treacherous use of a flag of truce, and other like barbarous actions.

**Non-combatants** may not be killed or taken prisoners ; and this includes all who are not in the army, men as well as women and children. The fighting, however, must be confined to the regular armies ; and one who fights on his own account may be treated as a murderer if captured by the other side. Private property on land, though belonging to citizens of the hostile nation, may not be taken as booty, and if anything is taken for the support of an invading army, it must be paid for. The common practice is for the commanding officer, when he has not the necessary money, to issue certificates for property taken, and these are afterwards redeemed by his government.

In former times the idea was that war made every citi-

zen of the one nation the enemy of every citizen of the other nation. They might kill each other, and it was not murder ; they might plunder from each other, and it was not robbery : until recent times a besieged city, when it fell, was given over to the victorious army for plunder. But the modern idea is that of a contest between two governments, private rights being preserved as far as possible. Nevertheless war always involves the destruction of a vast amount of private property which is never paid for.

**Privateering.**—There are two particulars in which the old and savage idea of war still remains as a part of international law ; namely, private expeditions, and plunder of private property, are still allowed on the sea. Letters of marque are a commission issued by a government to a private person during a war, allowing him to send out an armed vessel at his own expense, to capture the vessels and property of citizens of the hostile nation. Such a vessel is called a privateer. The property captured (called prize) must be brought to port, and the question of whether it is lawful prize is submitted to a court. If so decided, the prize is sold and the money divided between the owner of the vessel and the crew. Many have called privateering legalized piracy, and most of the civilized nations have agreed not to make use of it. The regular war vessels of a government, however, prey in the same way upon the enemy's commerce ; the United States did it in the war with Spain in 1898.

**Neutrals' Rights.**—When two nations are at war, the citizens of a neutral nation may carry on trade with either, except in contraband goods. The ordinary goods of a neutral, therefore, though going to one of the warring countries, are not subject to capture. And so, when a war

begins, those governments which intend to remain neutral make declarations of neutrality, in order to establish the neutral rights of their citizens. But goods intended directly to aid one of the parties in the carrying on of the war, such as arms, ammunition, and food for the army, are contraband of war, and may be captured by the other, though belonging to a neutral.

**A Neutral Nation's Duty** is to take no part in the war. A neutral citizen may, if he wishes, leave his country and enlist with either party; but the raising of a company, or the fitting out of a vessel for the war, is another thing, and these the neutral nation must prevent. In our war of 1861 the Confederate cruiser 'Alabama' was built and fitted out by Englishmen for the South, and afterwards cruised against the commerce of the Northerners. After the war the United States government claimed, on behalf of those whose property had been captured, that Great Britain was responsible, because the British government had not prevented the preparation of this and other vessels in British ports for war against the United States. The question was submitted to arbitration in 1871, and it was decided that Great Britain was responsible, and should pay several millions of dollars, which she did.

**Remedies.** — Some of the rights given by international law can be enforced by courts; and all the courts of all nations are bound to enforce them. There is no trouble if the question arises between two individuals. For instance, if a neutral's goods are captured by a privateer, the prize court will give them to the owner. But suppose it be a government which offends; is there any international court to say, You have done wrong? Or any international sheriff, to set the matter right? No; neither. The sole

remedy is for the offended nation to ask for arbitration, and if that be refused, to make war: a remedy useless enough when the offender is the more powerful. But we may have international courts some day, with all the world pledged to enforce their judgments. It would be hard for any one nation to resist the combined power of all the rest.

#### SUPPLEMENTARY WORK

1. Does the rule of neutrality mean that one nation ought not, as a matter of moral duty, to interfere with the affairs of another?
2. State some recent case, involving our assertion of the Monroe Doctrine. How shall we enforce the Monroe Doctrine, if some European nation insists upon acting contrary to it?
3. Why are modern methods of war more humane than the ancient? If it is allowable to kill another, what difference does it make how you do it?

## CHAPTER THIRTY-NINE

### THE COMMONEST LAWS OF BUSINESS AND PROPERTY

THIS is a chapter of principles. We will not notice either details or exceptions. The principles are, in general, true for all of the United States: half a hundred independent systems of law substantially alike.

#### SALE OF PERSONAL PROPERTY

Personal property means every kind of thing which may be owned, except land and buildings. It includes goods, commercial paper, stock in railroads and other companies, bonds of companies and governments, money, and many other kinds of things.

In every case of a sale the price to be paid is what the parties agree on; if nothing is said, then the price which may be charged is the ordinary price which such an article bears in the market.

A sale once made is irrevocable, unless by consent of both parties. A merchant, therefore, is not obliged to take back or exchange goods, whether paid for or not.

The seller is entitled to keep the goods or property in his possession until paid for, but not to recall them when once delivered. If, however, the sale is on credit, i.e. to be paid for at a future time, the seller has neither the right to keep them, nor to recall them.

A sale of personal property over a certain amount in

value (commonly fifty dollars), which is neither paid for nor delivered, is not binding, unless there is a signed contract or memorandum of the sale. Part payment or delivery makes it binding, even if there is no written memorandum. If the property is not over that amount in value, neither payment nor delivery nor any written paper is necessary to make the sale complete.

A sale, when complete, changes the ownership. Therefore when goods are lost, as by fire or theft, after the sale is complete, the buyer must bear the loss, whether the goods have been delivered or not, and must still pay for them, if he has not already done so.

When goods are ordered from a distance the sale is complete when the articles have been delivered to the railroad or express company for transportation to the buyer. After that the order can not be countermanded, and the goods must be paid for though lost on the way.

One can not sell as his own what does not belong to him. This means that if you are in possession of an article which has been stolen from some prior owner, or lost by him, the real owner is entitled to it, even though you have paid some one else for it, and took it without knowing it was stolen or lost. But money and negotiable property are exceptions to this rule (see below).

But the seller of an article must make good the loss to the buyer, if it turns out that he did not own it, or had no right to sell it.

Unless the seller especially agrees that an article is of a certain kind, e.g. that a piece of cloth is all wool, or that a machine is strong enough for a certain purpose, the buyer must take the risk of its being different from what he thinks.

## COMMERCIAL PAPER

The several kinds of commercial paper, namely, notes, drafts, bills of exchange, checks, and certificates of deposit, are all, in effect, promises to pay money : in other words, each represents a debt owed by some one ; and this debt is property, which may be passed from owner to owner.

A note means simply what it states on its face, a promise made by its signer. A draft is not only what it purports to be on its face, an order from one person to another to pay a certain sum of money, but it also means something else : until the person on whom it is drawn sees and accepts it, by writing his name on its face, it means a promise by the drawer to pay the money ; after acceptance it means also a promise by the acceptor to pay it. A bill of exchange is the same as a draft. A check is the same as a draft, except that the order is addressed to a bank, in which the person making the check is supposed to have money.<sup>1</sup> An uncertified check is an order and also a promise by the maker to pay the money ; a certified check is a promise by the bank to pay it. A certificate of deposit is in form a certificate issued by a bank, showing that a certain person has a certain sum of money on deposit with the bank ; it is in effect a promise by the bank to pay that sum, and so is practically a note.

The sale of commercial paper, like the sale of other personal property, may be made without writing, but the ordinary methods of business require writing, namely, indorsement.

The person on whom a draft is drawn is under no obliga-

<sup>1</sup> It is a crime to draw a check on a bank in which you have no account.

tion to the owner of it, until he accepts it. The bank on which a check is drawn is under no obligation to the owner of the check, until the bank has certified it. The contract of a bank with its depositor is to pay all his checks, so long as he has money enough there to do it, but until certification the bank has no contract with the person holding the check.

Indorsement of commercial paper, whether by simply writing your name across the back, or with the words 'pay to the order of \_\_\_\_\_,' is an agreement to pay it yourself if it is not paid when due: not, however, if you add the words 'without recourse.'

If you have made good your indorsement by taking up (i.e. paying) dishonored commercial paper, you may call upon the maker, or any of those who indorsed it before you, to pay you.

But an indorser is not liable, where the note or draft is due at a particular time, unless payment is demanded of the party primarily liable (maker of a note, acceptor of a draft) on the very day it is due, and notice of its non-payment immediately sent the indorser. If a draft is not accepted, notice of non-acceptance must be immediately sent the indorsers and the drawer, to make them responsible. A check must be sent to the bank immediately, i.e. within a day or two, and, if not paid, notice immediately sent, to hold the indorser from whom you receive it. But demand and notice are not necessary to hold the primary debtor, i.e. the maker of a note, the acceptor of a draft, or the bank in case of a certified check.

Commercial paper payable to bearer, or payable to the order of some one and indorsed by that person with his name simply, may be paid to any one presenting it; but

when payable or indorsed to the order of some one, it must be paid to him only. Therefore, if a thief gets the money on a check payable to bearer, the person who must lose is the real owner; but if it is payable to order and a thief gets the money by forging the indorsement of that name, the person to lose is the person or bank giving him the money.

In some of the states a note or draft due in the future is really due on the day specified; in others three days (called days of grace) must be added to the time.

In most of the states when the day of payment or the last day of grace falls on Sunday or a legal holiday, the paper becomes due the day after; in some the day before.

One who has paid money on a forged signature, such as a bank paying a forged or raised check, is entitled to receive it back from the person to whom it was paid, though he was entirely innocent of the forgery. But when a person on whom a draft has been drawn has accepted it, he must pay it though the drawer's name turns out to be forged: and when a bank has certified a check, it must pay the check, though it turns out to be forged, but not if the forgery was a raising of the amount. The depositor or other person whose name has been forged can not be charged with the loss.

A note or draft carries no interest up to the time it is due, unless it says 'with interest.' A check carries no interest until it is presented.

A note or draft representing no real debt existing between the parties named in it, but made in reality as a means of borrowing money (called accommodation paper), may be enforced by one who has paid for it, but not by the original parties against each other.

#### AGREEMENTS FOR SERVICES

When one hires another to do something, the sum to be paid is what the parties agree on; if nothing is said, then the sum which may be charged is the ordinary sum such work commands in the market.

An employee, e.g. a clerk, factory hand, or domestic servant, if hired for no particular time, may be discharged, or may leave the employment, at any time, without prior notice.

A person hired for a special time, such as a week, month, or year, may be discharged for good cause at any time, without prior notice. Gross neglect or carelessness would be good cause.

A person hired for a special time, and discharged before the end of the time, without good cause, is entitled to payment for the whole period.

A person engaged to do a particular thing must pay for any damage done, caused by want of ordinary care and skill in himself or his workmen. This applies as well to a dentist pulling a tooth, or a lawyer managing a lawsuit, as to a blacksmith mending a wagon.

One who repairs an article may, if he chooses, keep it until paid for his work on it.

#### COMMON CARRIERS

Railroad companies, express companies, shipowners, and all who offer to transport goods along regular routes for the public generally, are called common carriers.

Common carriers are obliged to take the goods of any one who offers to pay the regular rate.

Common carriers must pay for goods lost or injured

while in their possession, no matter what the cause ; except goods lost at sea by fire, collision, or shipwreck. One who is carrying goods, but who is not a common carrier, is not responsible for loss or injury to the goods unless it is caused by his fault or negligence.

Railroad companies must pay damages to persons injured in accidents which are caused by the fault or negligence of their employees ; but not when the person injured was negligent himself.

Common carriers may keep the goods carried until paid their charges.

When a ship is in danger at sea, and some of the freight is thrown overboard to save the ship, the shipowner and all the owners of the freight on board must bear their proportion of the loss. This is called general average.

When a ship or goods are found abandoned at sea and are brought into port by another vessel or by people from another vessel, the rescuers are entitled to a share in them, in proportion to the danger, sometimes as much as half. This is called salvage.

#### FIRE AND MARINE INSURANCE

Fire insurance is an agreement to make good the loss of or injury to buildings or personal property, caused by fire on land. Marine insurance is an agreement to make good the loss of or injury to property at sea, i.e. ships or their cargoes, caused by the perils of the sea, namely, fire, collision, shipwreck.

In fire insurance, the insurance company is responsible for any injury caused, in case of fire, whether by the fire itself, by water in putting out the fire, or in the effort to save the property.

In marine insurance, likewise, the insurance company is responsible for indirect results, as well as direct results. Thus, if a person having goods on a ship is insured, and he is called upon to contribute because some other person's goods were thrown overboard, his insurance company must pay that contribution.

Where there are several policies in different companies on the same property (e.g. a building), the loss is distributed among them in proportion to the amounts of the policies.

When a fire occurs the owner must do all he can to save his property, or his policies become void.

Any increase of risk makes a policy void. In certain kinds of business there is more risk of fire than in others : and so, if a change of business is made, it may be necessary to get new policies. In marine insurance the insurance is for a certain voyage, and if the vessel goes anywhere but the ordinary route for that voyage, the insurance all becomes void.

A change of ownership of the property makes a policy void. When a building is sold, therefore, new insurance must be obtained.

#### DEEDS

A deed is a paper transferring the ownership of land. A transfer of the land carries with it all buildings on the land, without being named. Land can not be transferred between living persons without a deed, whether by gift or by sale.

The deed, to be a deed, must name the parties, describe the land, and be signed by the party to whom the land belongs. In some states it must also be signed by one or two witnesses ; in some it must also have a seal next the signature or a mark to represent a seal.

In no case is the transfer complete until the completed deed has been handed to the new owner, or to some one for him. An undelivered deed is nothing, and may be destroyed without effect. But the destruction of a delivered deed does not retransfer the property to the former owner.

The acknowledgment of a deed before a notary or other officer is not necessary to make the change of ownership : its main purpose is to enable the deed to be recorded.

Recording is not necessary to make the change of ownership. It is simply a protection against fraud. A delivered but unrecorded deed is as good as a recorded deed, against the former owner, or his heirs, or against any one to whom he attempts to give (not sell) the property, or against any one to whom he attempts to leave the property by will, or against any one to whom he attempts to sell the property over again but who knows of the prior deed. What recording does is this: it protects a purchaser against the seller's selling the property over again to somebody else who does not know of the prior deed. If you record your deed, a deed subsequent to yours is void. If you search the record before you purchase, you find out whether there is any prior recorded deed ; and an unrecorded prior deed is void, so far as you are concerned, if you are paying for the property and do not know of the existence of such deed.

#### MORTGAGES

In form a mortgage is a deed, and the rules as to signing, delivery, and recording are the same with a mortgage as with a deed ; in effect a mortgage is very different from a deed, and does not change the ownership of the land.

A mortgage is simply security for a debt, and becomes void when the debt is paid, without any retransfer of the

property. Generally the mortgage is accompanied by the bond or note of the person owing the money.

If the debt is not paid when due, the mortgage gives the right to have the property sold: the debt to be paid out of the proceeds, and the surplus returned to the owner. This is called foreclosure.

When there are several mortgages on the same land, they take precedence of one another in the order in which they were made: in case of foreclosure the first mortgage is first fully paid, then the second, etc.

The mortgage, or rather the debt secured by the mortgage, is itself property which may be bought and sold. Being personal property, its sale does not require a deed, but it is usually transferred in writing.

The existence of a mortgage does not prevent the owner's selling the land, but a sale of the land in no way lessens the rights of the owner of the mortgage. The owner of the land is entitled to all the rent until foreclosure.

Taxes on land take precedence of all mortgages, even when laid after the mortgages. The owner of the land, not of the mortgage, must pay all taxes on the land.

#### RENTED PROPERTY

When any installment of rent is due and unpaid the landlord is entitled to the property, and may bring a suit to turn the tenant out. That ends the lease.

The law as to repairs is that the landlord must make extraordinary repairs, such as building a new roof, or repairing the damage caused by a fire; but the tenant must make all ordinary repairs, to fences, windows, furnace, etc.

The landlord, not the tenant, must pay all taxes on the land.

In case of sale of the land, the tenant must pay future rent to the new owner; but a sale does not affect the tenant's rights under his lease.

The tenant has the sole right of possession, and may keep even the landlord off the premises, so long as the rent is paid. A tenant may use the property in any way he sees fit, but has no right to destroy it, as by tearing down a building, or use it up, as by cutting down trees. A tenant may sublet the property to others, unless he has agreed not to.

A lease need not be in writing unless for more than a certain time: in most states, one year. A lease need not be recorded, unless for more than a certain period: in some states, five years.

#### STOCKS AND BONDS

The difference between the stockholders and the bondholders of a company, a railroad company for instance, is this: the stockholders are the company, the bondholders are creditors of the company. The following rules flow from this fundamental difference.

All the bonds of a company take precedence of the stock, as claims on the property of the company, whether they are secured by mortgage on the property or not. The stockholders are entitled only to what is left after all the debts have been paid.

Bonds are frequently issued in different series: first mortgage bonds, second mortgage bonds, income bonds, etc. All of the same series share alike, whether they are all issued by the company at the same time or not.

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The first mortgage bonds are prior claims to the second mortgage ; the second mortgage to income bonds, etc.

Stock is not entitled to any dividend out of the money earned by the company, unless all the interest on all the bonds is paid.

If the interest on bonds is not paid, the bondholder has the right to have the property of the company sold to pay its debts.

The directors of the company are elected by the stockholders, not the bondholders usually.

Stock is not entitled to a dividend out of profits unless the directors declare it : even if there are profits above the interest due on the bonds, the directors may use them for the benefit of the company, in some other way. But the directors can not deprive the bonds of interest due.

The usual difference between common and preferred stock is that the preferred stock is entitled to a dividend, if there are profits enough, even though it leaves none for the common stock. On the other hand the dividends for preferred stock are limited to a certain per cent, while those for common stock are not.

The general rule is that the stockholder of a company is not required to contribute to pay any of the debts of the company.

A reorganization is the formation of a new company, to buy the property of a company which has failed to pay its debts. It is usually a part of the plan of the new company, that the bondholder of the old company may change his bonds into bonds of the new company in a certain ratio ; the first mortgage faring best, the second next, etc. But the bondholder, if he does not think the plan fair to

him, need not come into the reorganization, but may take instead his share of what the property sells for.

Bonds of governments, like cities, counties, etc., are not secured by mortgage on any property.

If a bond is payable to bearer, as most are, any one buying it gets a good title to it, even if the seller had no right to sell or did not own it, provided the buyer has no reason to suspect wrong. There is the same rule about stock with the power of attorney indorsed in blank.

#### TRUST ESTATES

A trust estate is property of which one person, called the trustee, is entitled to the management, and another, called the beneficiary, is entitled to the income. The estate may be land, stocks and bonds, or any other sort of property.

A trust estate may be created by any owner for the benefit of any one, even himself. It is frequently created by will, for the benefit of children.

A trust estate can not be made to last forever. It can not continue longer than until the death of certain persons named.

No one can put an end to the trust prior to the time fixed, neither the person originating it, nor those interested in it, nor both together. If the trustee dies, the court appoints another in his place.

The trustee is entitled to use his own judgment in the management of the property ; he must even act contrary to the wish of the beneficiary, if he thinks the interest of the estate demands it.

Unless the trustee is given discretionary power as to investments by the will or other instrument creating the

trust, the law of the state provides what he may invest in. In general the states allow investment in bonds of the United States, and mortgages on land within the state; some allow other investments.

A trustee who is mismanaging the property may be removed and another appointed by the court.

#### WILLS

Any person not a minor nor of unsound mind may make a will. Any one may will his property to whom he chooses, even disinheriting children. In some states it is provided that a person having children can not leave more than one half his property to charity.

A will must be in writing. It must be signed by the testator in the presence of several witnesses (two or three), who must be persons not interested in it. The testator must declare to the witnesses that it is his will, though they need not know what it contains; and they must then sign it as witnesses.

A will may be destroyed by the testator at any time. It may be altered at any time, but the altering must be by codicil, or new will, executed with the same formalities.

An executor is some one appointed by the will to carry out its provisions after the testator's death. His duty is to pay the debts and distribute the personal property as the will directs. He may sell the personal property to pay the debts, if needed.

An executor, as such, has no authority over the real estate. He is not entitled to rent it, nor to sell it, unless the will gives him that power specially. If it is necessary to sell the real estate to pay debts, the court will give him permission to do so. But very often wills give all the prop-

erty, real and personal, to the executors as trustees ; in such case, they have the power to manage it all, rent, sell, etc., like other trustees.

In some states marriage gives the husband and the wife each certain rights in the property of the other, of which he or she can not be deprived by the will of the other. There is much diversity on this subject among the states.

#### DEATH WITHOUT WILL

Intestacy is the case of a person dying without a valid will; either because no will was made, or because, though there is a will in form, the person was insane or too young. In such case, an administrator, appointed by the court, takes the place of an executor. His duty is to pay the debts and distribute the personal property as the law provides. He can not sell the real estate except by permission of the court, and when necessary to pay debts.

The property of one dying without a will goes to his relatives, but as to what relatives and in what proportions, there is very great diversity among the states. About the only general rules which can be stated are the following :

If the person dying leaves a family of his own, i.e. children and a wife or husband, they take all the property, the surviving wife or husband taking from one fifth to one half, and the children the balance ; if there is no surviving wife or husband, the children take it all ; if there are no children, the surviving wife or husband takes a certain share, which is usually greater than if there were children, and the balance goes to other relatives ; in some states, if there are no children, the surviving wife or husband takes it all.

If the person dying leaves no family of his own, i.e., no children and no wife or husband, the property goes to the

family from which he came ; in some states it goes to the brothers and sisters equally, in some to the father, in some to the father, mother, brothers, and sisters equally, etc.

If the person dying leaves no family of his own, and no members of the family from which he came, i.e. when there are no children, wife or husband, father, mother, brothers, or sisters, the property is distributed among other relatives, grandparents, uncles, aunts, cousins, etc.

If a child, or brother, or sister who would have been entitled to a portion has died leaving children, such children take together the share their parent would have taken if alive.

If a person dying leaves no relatives of any degree, the property goes to the state.

Personal property is distributed according to the law of the state where the person dying lived at the time of his death ; land and houses according to the law of the state where they are.

#### AGENCY

Almost everything with regard to business or property which one may do himself, he may do by an agent. The great mass of mercantile business in cities is done by agents : each clerk in a store is an agent of the proprietor. Papers to be signed, such as notes, contracts, and even deeds and mortgages, may be signed by an agent, in the principal's name, if the principal has given him the authority to do it. A will is an exception to this, and must be signed by the party himself.

The authority to sign a deed, mortgage, or contract for the sale of land, for another, must be in writing : for nearly all other matters, the authority may be oral.

That a person may act by agent means this : that he is

responsible for all his agent does, unless the agent goes beyond his authority.

In partnership, all the partners are agents for the firm, and the act of each binds all. Each is responsible for all the debts of the firm.

#### FRAUD

A person may refuse to carry out an agreement which he was induced to make by fraud or deceit.

The creditors of a debtor who has transferred his property without receiving its full value, may sue to annul the transfer as fraudulent.

#### MINORS

A minor, i.e. a person under twenty-one, is not bound by his agreement, except in the purchase of necessaries such as food, clothing, etc. But the other party to the contract must carry it out, if the minor wishes.

A minor is not entitled to the management of his own property. If it is not left to him in trust, a guardian must be appointed.

A father or mother is not entitled to the management of a child's property unless appointed trustee or guardian. A father would, however, under ordinary circumstances be appointed.

A guardian is not entitled to use the principal of a minor's property, even for the minor's support, but simply the income. If the income is not sufficient for the support or education of the child, the guardian must apply to the court for permission to use some of the principal.

## APPENDIX

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### LIST OF THE CHIEF GOVERNMENTS OF THE WORLD

#### FORMS.

1. **Republics.** — United States, France, Switzerland, Mexico, five Central American countries, and ten South American countries.
2. **Constitutional Monarchies.** — Great Britain, Germany, Austria-Hungary, Italy, Japan, Netherlands, Belgium, Sweden and Norway, Denmark, Spain, Portugal, Greece, Bulgaria, Roumania, and Servia.
3. **Absolute Monarchies.** — Russia, Turkey, China, Korea, Persia, Afghanistan, Nepal, Siam, Egypt, Abyssinia, and Morocco.
4. **Colonies.** — India, Canada, Australia, French Indo-China, Dutch East Indies, Philippines, and the colonies of various European nations along the coasts of Africa.

#### KINDS.

1. **Government by the People.** — United States, Great Britain, France, Switzerland, Canada, and Australia.
2. **Limited Monarchy.** — Germany, Austria-Hungary, Italy, Japan, Netherlands, Belgium, Sweden and Norway, Denmark, Spain, Portugal, Greece, Bulgaria, Roumania, and Servia.
3. **Despotism.** — Russia, Turkey, China, Korea, Persia, Afghanistan, Nepal, Siam, Egypt, Abyssinia, Morocco, Mexico, five Central American countries, and ten South American countries.
4. **Colonial Dependency.** — India, French Indo-China, Dutch East Indies, Philippines, and the colonies of various European nations along the coasts of Africa.

## LEGISLATURES IN EUROPE

	NAME OF WHOLE LEGISLATURE.	NAME OF THE TWO HOUSES.	OF WHOM COMPOSED.	TERM OF OFFICE.
<b>GREAT BRITAIN</b>	Parliament	House of Lords House of Commons	Hereditary Nobles Bishops of the English Church Elected by the people	Life (Chiefly) 7 years
		Senate Chamber of Deputies	Chosen by certain officials throughout the country Elected by the people	9 years 4 years
<b>FRANCE</b>	National Assembly		Persons appointed by the rulers of the separate states (Prussia, Bavaria, etc.) Elected by the people	1 year 5 years
	Federal Legislature or Imperial Diet	Bundesrat Reichstag	Royal Princes Hereditary Nobles Persons appointed by the King Herrenhaus or House of Lords	Life
<b>GERMAN EMPIRE (Federal Government)</b>			One third elected by the largest taxpayers, one third by the medium taxpayers, and one third by the smallest taxpayers.	5 years
	Landtag	Chamber of Deputies		
<i>The other greater German States, like Prussia, have legislatures of which the upper house is dominated by the aristocracy, and the lower house is elected by the people.</i>				
<b>AUSTRIA</b>		Herrenhaus or House of Lords	Imperial Princes Hereditary Nobles Bishops Persons appointed by the Emperor	Life
	Reichsrath	Chamber of Deputies	Majority elected by people Some elected by the great land-owners	6 years

HUNGARY	Parliament	House of Magnates House of Representatives	Hereditary Nobles Church Representatives Persons appointed by the King	Chiefly Life
ITALY	Parliament	Senate Chamber of Deputies	Elected by the people Royal Princes Persons appointed by the King	5 years Life
SWITZERLAND (Federal Government)	Federal Assembly	State Council National Council	Elected by the people Elected by Cantons — some by people, some by Legislatures	5 years 1 to 4 years
NETHERLANDS	States-General	First Chamber Second Chamber	Elected by the people Chosen by Provincial Councils	3 years 9 years
BELGIUM		Senate Chamber of Representatives	Royal Princes Some chosen by Provincial Councils Some elected by the people	4 years 8 years
SWEDEN	Diet, or Parliament	First Chamber Second Chamber	Elected by the people Both elected by the people	4 years 9 years 3 years
NORWAY	Storthing		The Storthing consists of a number of members chosen by the people every 3 years, who divide themselves for business into two houses, the Lagting and the Odelsathing	
DENMARK	Rigsdag, or Diet	Landsting Folkething	Majority elected by the people Some appointed by the King	8 years Life
SPAIN	Cortes	Senate Congress	Nobles Persons appointed by the King Persons elected by certain officials	3 years Chiefly Life 10 years 5 years

LEGISLATURES IN EUROPE—*Continued.*

	NAME OF WHOLE LEGISLATURE.	NAME OF THE TWO HOUSES.	OF WHOM COMPOSED.	TERM OF OFFICE.
PORTUGAL	Cortes	House of Peers	Royal Princes Bishops Persons appointed by the King	Life
GREECE	Bulé	House of Commons	Elected by the people	4 years
BULGARIA	National Assembly	Only one Chamber	Elected by the people	4 years
SERVIA	Skupština	Only one Chamber There is also a State Council with duties partly legislative.	Majority elected by the People { Some appointed by the King	5 years
ROUMANIA		Senate	Elected by the people	3 years
		Chamber of Deputies	Elected by the people	8 years
				4 years
<b>JAPAN, CANADA, AUSTRALIA</b>				
JAPAN	Imperial Diet	House of Peers	Imperial Princes Hereditary Nobles Persons appointed by the Emperor	Life
CANADA (Central Government)	Parliament	House of Representatives Senate	Elected by the people Appointed by the Governor-General	4 years
AUSTRALIA (Federal Government)	Federal Parliament	House of Commons Senate	Elected by the people Elected by the people	Life 5 years 6 years 3 years

## THE PRINCIPAL GOVERNMENTS OF THE WORLD IN OUTLINE SKETCH

### GREAT BRITAIN

Great Britain, comprising England, Scotland, Ireland, Wales, and the Channel Islands, is in form a constitutional monarchy: in reality a democracy. Its official name is "The United Kingdom of Great Britain and Ireland." It is centralized, not federal: the Parliament having supreme authority on all subjects. *Its legislature*, called Parliament, consists of two houses: the upper, called the House of Lords, being composed chiefly of hereditary nobles, who hold their places for life; the lower, called the House of Commons, being elected directly by the people. Great Britain is a democracy, because all political power is in the House of Commons, and thus in the hands of the people, in the last resort. The House of Lords always passes any law insisted on by the House of Commons. And if it should resist, the prime minister, under the control of the House of Commons, could create enough new peers to carry the point. Parliament meets once a year, usually from February to August. There is no regular period for the election of a new House of Commons, but none may last over seven years. *Monarch*.—The monarch has practically no political power: neither the power to veto laws passed by Parliament, nor to pardon convicts, nor to make treaties, nor to make appointments of officials, nor to declare war, nor to command the army or navy. The last five of these things are controlled by certain officials under the direction of the prime minister. The monarchy is hereditary, male or female line, but Parliament can change the line of succession, and has done so. Present king, Edward VII. *Parliamentary system*.—Great Britain has the parliamentary system, sometimes called 'responsible government.' The following is a description of it. The person at the head of the government is called the Prime Minister or Premier. He is some one who for the time being is supported by a majority of the House of Commons, and is usually some one who has been prominent in Parliament. He selects his cabinet, i.e. the persons to be at the head of the principal depart-

ments. The operations of government are carried on by the cabinet, i.e. all important matters of policy are discussed and decided by it. The cabinet and prime minister are responsible to the House of Commons; which means that the House of Commons can at any time disapprove of anything the government (i.e. the cabinet) has done. If the matter disapproved of is an important one, the prime minister is said to have lost his majority, and he then does one of two things: resigns, or 'appeals to the country.' If he resigns, the whole of his cabinet resigns with him; and a new prime minister is selected, who is usually the most prominent man in Parliament, belonging to the other party. If he 'appeals to the country,' Parliament is dissolved and a new House of Commons is elected. If he obtains a majority in the new House, he remains in office with his cabinet; if not, he resigns. The important item in what is called the 'parliamentary system,' is the resignation of the cabinet when it loses its majority in the legislature. The American system is not that: our presidents and governors never resign, though their legislatures may be hostile. In the parliamentary system all the final power rests in the Parliament, and the Parliament interests itself in the whole field of government. With us the governor and legislature has each its own power, and its own field, and neither can interfere with the other. *The constitution* is not a single document, like the written constitutions of this country. In the sense in which we use the word, there is no British constitution. There is no document or law binding on Parliament. Parliament can pass any law it wishes to. *Local governments.* — There are local governments throughout the country, corresponding to our county, township, and city governments. Their important officials are elected by the people. The local governments have duties relating to the maintaining of order, caring for roads and streets, care of the destitute, etc.; but not so many duties as with us. They are left free to act as they choose; and so Great Britain has local self-government. *The voters* consist of all males, twenty-one years of age, who are householders or lodgers; which includes nearly all who have a permanent abode. About one sixth of the population are voters. *Colonies.* — Great Britain has colonies all over the world; or, as it is put, the sun never sets on the British Empire. There are very great differences between the various British colonies. They may be divided roughly into three classes; (1) those which have practical self-government in all matters except foreign relations, like Canada and Australia; (2) those which have some self-government in legislation, but in which the British government retains the control

of public officials (e.g. Bermuda); (3) those which in all respects remain under the control of the British government, like India.

#### FRANCE

France, since 1870, has been a republic. It is centralized, not federal: the national legislature having supreme authority on all subjects. *Its legislature*, called the National Assembly, consists of two houses: the upper, called the Senate, being elected for nine years by certain officials through the country; the lower, called the Chamber of Deputies, being elected for four years by the people. Members of the old royal family, or of the Bonaparte family, can not belong to either house. The two chambers, legally, have equal powers in the making of laws, but the Chamber of Deputies is the more important of the two. The Senate, however, does not hold an insignificant position, as the British House of Lords does. The legislature meets every year. *The president* is elected for seven years, by the National Assembly. His powers are not great. He may make certain treaties, and certain appointments, and has the pardoning power; but he has no veto power, power to declare war, or control of the army or navy. He is not usually present at cabinet meetings. *The parliamentary system* exists in France. The cabinet resigns on an adverse vote in the Chamber of Deputies, but not on an adverse vote by the Senate. *The constitution* consists of a certain fundamental law passed in 1875, as modified. The legislature has, like Great Britain's Parliament, power to amend the constitution. *Local governments* exist, with some of their officials elected by the people: they have charge of maintaining order, the roads, care of the poor, etc. But all the local governments are very much under the power and direction of the central government at Paris. France has not local self-government. *Voters* consist of all males, twenty-one years of age, not actually in military service. About one fifth of the population are voters. *Colonies*.—France's colonies are all in half-civilized countries, and the relation between them and France is much the same as that between Great Britain and India. Algeria and some others of the French colonies send representatives to the National Assembly at Paris.

#### GERMANY

Germany, comprising twenty-six states united under the name of the German Empire, is a constitutional monarchy. It is federal; the federal legislature having power to pass laws on certain sub-

jects, and the legislatures of the states on other subjects, as in our own country. *The federal legislature* consists of two houses: the upper, called the Bundesrath (meaning Federal Council), consisting of persons appointed by the governments of the separate states; the lower, called the Reichstag (meaning National Assembly), elected directly by the people. The Bundesrath has, at present, the greater power, originating most of the legislation. Each of the states also has its legislature. In several it is called the Landtag, and consists of two houses, a House of Lords and a Chamber of Deputies, the former composed chiefly of nobles, and the latter elected by the people. In the division of powers between the federal and the state legislatures, the federal legislature has a far greater share of the legislative power than our national Congress. For instance, it covers the whole field of commercial, civil, and criminal law, which with us is left with the states. It meets every year. *Monarch.*—The emperor is a very real political power in Germany. The spirit of monarchy, i.e. a love and reverence for the monarch, is still a vital force there, so that his influence is very great: but besides that, he has some very large legal powers. He makes treaties, is commander-in-chief of the army and navy, can declare war (with the consent of the Bundesrath, which he largely controls), and controls the appointments largely. The king of Prussia is always the emperor of Germany; and the crown of Prussia is hereditary in the male line. Present emperor, William II. *The parliamentary system* does not exist either in the federal government or in any of the separate states. There is no cabinet. The Chancellor is the head of all the civil departments. He corresponds to the British prime minister, but is not responsible to any legislature and does not resign though the legislature opposes him. He may be removed at any time by the emperor. *The constitution* is a document adopted in 1871, when the empire was formed. It may be amended by the federal legislature. Most of the separate states also have constitutions; not adopted by the people, as with us, but granted by the ruler. *Local governments* exist, with officials, some appointed by the king, grand duke, or other ruler, some elected by the people. Their duties relate to maintaining order, schools, roads, caring for the poor, etc. *Voters* for the Reichstag consist of all adult males in the empire. But in voting for state officials, each state has its own system. Some have universal suffrage. Prussia has the following system in electing her Chamber of Deputies. All taxpayers are divided into three classes according to the amount of taxes they pay, and each class elects one third of

the deputies. This gives the greatest power to the wealthy. In Prussia, government is really in the hands of the upper classes. In Mecklenburg-Schwerin, there is no voting whatever, except for the members of the federal Reichstag. *Colonies.*—The colonies of Germany, especially those on the east and west coasts of Africa, are little more than small military stations.

The German nation is not yet a united people, to the same extent as the United States or France. Germany, only a few years ago, consisted of twenty-five or thirty practically independent states. The present German Empire, though it has brought them into one political union, has not amalgamated them yet: it has not had time to do so. The power of Prussia acting chiefly through the monarch, is the force which binds the empire together. Prussia has three fifths of the population, the entire control of the army, the largest share of the delegates in the Bundesrath, more than half the members of the Reichstag, and the emperor.

#### AUSTRIA-HUNGARY

Austria-Hungary, consisting of the Austrian Empire and the Kingdom of Hungary, is a monarchy. As a single state, it is federal, being the union of two states, Austria and Hungary; but the union is not so close even as that of the German states in the German Empire. Austria and Hungary are complete constitutional monarchies, centralized, and having the same monarch.

*The legislature of Austria*, called the Reichsrath, consists of two houses: the upper, called the Herrenhaus (meaning House of Lords), consisting chiefly of hereditary nobles and persons appointed by the emperor; the lower, called the Abgeordnetenhaus (meaning Chamber of Deputies or House of Representatives), elected by the people. It meets every year. It is very greatly under the control of the emperor. *The legislature of Hungary* consists of two houses: the upper, or House of Magnates, consisting chiefly of hereditary nobles, church representatives, and persons appointed by the king; the lower, or House of Representatives, elected by the people. It meets every year. This legislature is much less under the control of the monarch than that of Austria. *Delegations.*—There are a few subjects, such as foreign affairs, which are managed in common by Austria and Hungary. Each of the two legislatures appoints sixty delegates who meet annually, to settle the common affairs: this body is called the Delegations. The Delegations might be

called a federal legislature; but its powers are very much inferior to the power of the German federal legislature, or of our national Congress. *Monarch.*—The emperor of Austria, who is also king of Hungary, has even more political power than the German emperor; but not so much as the Russian czar. The monarchical idea is still strong there, and his influence is therefore very great. For instance, he can always obtain a majority in the Austrian Reichsrath for anything he wants. Besides that his legal powers are very great: he has the veto power, the pardoning power, makes all the treaties, can make some laws without the consent of the legislature, appoints all the chief officials, can declare war, and controls the army and navy. The crown is hereditary, male or female line. Present emperor-king, Francis-Joseph I., a sovereign more beloved by his subjects than any other in Europe. *The parliamentary system* exists nominally in Austria, but not really. In Hungary, it has a stronger hold: but in neither do the people have such real power over the acts of the government as they do through the House of Commons in Great Britain. *Constitution.*—There is no constitution in Austria. Hungary's constitution consists, like Great Britain's, of a number of important laws: it can be amended by the legislature, not the people. *Local governments* exist, in both countries, with some of their officials elected by the people, managing local affairs. But the local governments are very much under the control of the emperor: he can reverse their acts. *Voters* consist of all males, twenty-four years of age in Austria, twenty years of age in Hungary, who pay a dollar or two in taxes per annum.

The Austro-Hungarian monarchy is not even so closely united as the German empire. It comprises several different nations, of which Germans, Magyars, Bohemians and Poles, are the most important, speaking different languages, and with different religions. Between these different peoples there is great jealousy.

#### ITALY

Italy, which has been united only since 1870, is a constitutional monarchy. It is centralized; the king and parliament exercising supreme power on all subjects. *Its legislature*, called Parliament, consists of two houses: the upper, called the Senate, being composed chiefly of persons appointed by the king; the lower, called the Chamber of Deputies, elected by the people. The two chambers, legally, have equal powers, but the Chamber of Deputies is the more impor-

tant. The legislature meets every year. *Monarch.*—The king has neither the influence nor the power of the German or Austrian emperor, but has far more than the monarch in Great Britain. Though he has the veto power, it is never exercised. Though he has power to make treaties, they are all submitted to Parliament. He makes all the appointments. He has power to declare war, but he does not control the army or navy. The monarchy is hereditary in the male line. Present king, Victor Emmanuel III. *The parliamentary system* exists, but not as completely as in Great Britain. The cabinet is chosen by the king, but resigns, at least part of it, upon an adverse vote in the Chamber of Deputies. *The constitution* consists of a law granted in 1848, by a predecessor of the present sovereign, who was then a king of only a part of Italy. It can be amended by parliament. *Local governments* exist, with some officials elected by the people, some appointed by the king. The local government system resembles that of France. *Voters* consist of all males, twenty-one years of age, who can read and write, and pay as much as four dollars in taxes per annum. They constitute about one fifteenth of the population.

#### RUSSIA

Russia is an absolute monarchy. It is centralized, as every absolute monarchy must be, from its nature. *Legislature.*—There is no legislature. All laws are made by the czar. He confers, of course, with others; some official may draw up the proposed law; but it is the czar's assent which makes it law. *Monarch.*—There is no other sovereign of Europe with so much political power as the czar of Russia. He not only makes what laws, what treaties, and what appointments he chooses; issues pardons; declares war when he chooses; and has entire control of the army and navy; but theoretically he has every other possible power. In 1861, he set all the serfs free. He can take away any one's property; and order this or that one executed. He recently deprived a whole province (Finland) of many rights of self-government which it had had for one hundred years. It has been said that the government of Russia is a 'despotism tempered by assassination': meaning that the czar must not go too far or he will be assassinated, as several czars have been. The monarchy is hereditary, in the male line. Present czar, Nicholas II. *Parliamentary system.*—There being no parliament, the parliamentary system of course can not exist. There are heads of departments, all responsible to the czar; but no cabinet. *Constitution.*—There

is no constitution. Some of the czars, within the past hundred years, have contemplated granting a constitution. It may be expected some time. That a man is a czar, and an absolute ruler, does not necessarily mean that he has not the good of his people at heart. *Local governments* exist, with some elected officials, and with various powers. Russia has one institution of local self-government totally unlike anything in other countries: it relates to farming communities. About half of all the farming lands do not belong to individuals, like other property; but belong to the whole village, the Mir, as it is called. Once a year the heads of families living in any village meet together and divide up the lands for a year. Each one takes the crops from the lands allotted to him for that year, and next year there is a new allotment. This is done by the people themselves, not the government. This assembly of householders, also, has other powers. It fixes the time for making hay; takes means to compel payment of taxes; admits new members to the community, allows others to leave; interferes when necessary in the domestic affairs of any family; sends unruly persons to Siberia. It is thus a very important factor in government. And all this is done without any interference from the czar or his officials. So: Russia has quite a measure of democracy and of local self-government in the midst of despotism. *Voters*, in the Mir, are the heads of households in the village; and these may include women, if the husbands are dead. For the other local officials, the voters are the house owners. There is no voting for officials belonging to the central government.

#### TURKEY

Turkey is an absolute, theocratic monarchy. It is centralized. The sultan is head of the state, and of the religion. *Legislature*.—There is no legislature. The Koran is at the same time the Bible of the Mohammedans and the primary code of laws. What few new laws are made, are made under the authority of the sultan. *Monarch*.—The sultan has not, in reality, so much political power as the czar of Russia, but has relatively more than any other European sovereign. In Russia there is no document superior to the will of the monarch: in Turkey there is, namely, the Koran. The sultan could not do anything contrary to the plain teaching of the Koran. This limits his lawmaking somewhat; but he has the pardoning power, treaty-making power, power to appoint the government officials, power to declare war, and the control of the army and navy. There are two

checks, however, on his absolute power: first, the influence of the 'Ulema' and 'Mufti,' i.e. the learned men and interpreters of the Koran; and second, the growing influence of the other European nations in Turkey. The sultan would not dare to make war, against the will of England or of Russia. The succession is peculiar. It does not pass to the eldest son, but to the eldest male descendant of Othman, who founded the empire six hundred years ago. This is more likely to be an uncle or brother of the sultan than his son. Present sultan, Abdul-Hamid II. *The parliamentary system* of course does not exist. The officials are appointed by the sultan, and responsible to him. *Constitution.*—There is no constitution, unless we call the Koran one. Several sultans have proposed to grant constitutions. *Local governments* consist partly of agents of the central government located throughout the country, and partly of officials elected by the people. *Voters.*—There is little voting in Turkey. A few local officials are elected.

#### SWITZERLAND

Switzerland is a republic. It is federal: comprising twenty-two cantons united under the name of the Swiss Confederation. It is the earliest case of a federal nation, and is one of the best-governed countries in the world. *Its federal legislature*, called the Federal Assembly, consists of two houses: the upper, called the State Council, composed of members (two for each canton) chosen in some cantons by the legislature of the canton, and in others by the people; the lower, called the National Council, elected directly by the people. The National Council is the more influential. Most of the cantons also have their own legislatures. In the division of powers between the republic and the cantons, the federal legislature has more powers than our Congress, but less than the German federal legislature. The legislature meets three times a year. A peculiar feature of Switzerland is the *referendum*. With regard to federal laws on general subjects, if 30,000 people, or eight cantons, demand that a measure passed by the Federal Assembly be submitted to popular vote, it does not become law until the people accept it. The cantons, too, have the referendum in some form, with reference to cantonal laws. There are a few small cantons which have no legislature, but govern themselves by an open mass meeting of the citizens, something like the New England town meeting. These meetings are held once a year, and at them the voters pass laws, elect the officers of the

canton, change the constitution of the canton, and vote the taxes. *The Federal Council* takes the place of the monarch, in a monarchy, or of our president. It consists of seven members, elected by the Federal Assembly, for three years. The Swiss president is one of the seven, chosen in rotation annually, but he has no greater power than the others. The seven councillors are at the head of the administrative departments. They somewhat resemble a cabinet in the parliamentary system, but do not resign when opposed by the legislature. *The parliamentary system* does not exist. *Constitution.*—The federal constitution is a single written document adopted by the people. The cantons also have written constitutions. Our system has had a strong influence in Switzerland. *Local governments.*—In the smaller communes (a division of the canton), the people manage their own local affairs directly, as in New England town meeting; in the larger ones, by means of elected councils. There is government by the people throughout. *Voters* consist of all males twenty-one years of age.

#### AUSTRALIA

Australia is a federation of six self-governing states. Up to 1901 it consisted of separate colonies of Great Britain, each governing itself in all home matters. After several years of discussion, the colonies have united under the name 'Commonwealth of Australia,' upon a plan which takes its main features from this country. But no one can tell how a new form of government will act in practice. We shall know much more about government in Australia fifty years from now.

*The federal legislature*, called Parliament, consists of two houses, the Senate and the House of Representatives, both elected by the people. The federal power, as with us, is restricted to certain subjects; among them, the control of all armed forces, all import and excise duties, the postal and telegraph systems; but it probably covers more subjects in Australia than with us. Great Britain retains its management of all foreign relations. *A governor-general* is appointed by the British Cabinet, but his position will probably be like that of the king in Great Britain, and he will not have important and independent powers, such as our president has. *The parliamentary system* has been adopted; and the governor-general is expected to be guided by his cabinet, which in turn will be under the control of the majority in the House of Representatives. *The constitution* was framed by a convention in Australia, passed by the British Parlia-

ment, and adopted by the people of the separate colonies. *The states*, like ours, remain independent governments; having all the powers which have not been given by the constitution to the federal government. Each state has its own constitution, and its own legislature. *Voters* consist of all males twenty-one years of age. On some subjects women can vote; and one of the six states has full woman suffrage.

#### CHINA

China, called by the Chinese 'The Middle Kingdom,' is an absolute centralized monarchy. There is no legislature. The primary code of laws consists of the sacred books of Confucius and the 'Collected Regulations of the Ts'ing dynasty.' What few new laws are made, are made under the authority of the emperor. *Monarch*.—The emperor has absolute power; except that, like that of Turkey's sultan, it is limited by the code of laws just referred to, which are binding on him as well as on the people. But, as with Turkey, this still leaves him with relatively greater political power than any European monarch, except the czar of Russia. Each emperor appoints his successor from among his relatives of the next generation. The widow of a former emperor is often the power behind the throne; in accordance with the Chinese custom of strict obedience to parents. Present emperor, Kwangsu. *The parliamentary system* of course does not exist. All officials are appointed by the emperor, and responsible to him. *Constitution*.—There is no constitution unless we call the books referred to a constitution. *Local governments* consist merely of agents of the central government, located throughout the country. The central government has little knowledge or control of what the provincial governors do. *Voters*.—There is no voting in China.

#### INDIA

(*Example of a colonial dependency.*)

India is a dependency of Great Britain. She has no legislature of her own: the British Parliament is her legislature. The king of Great Britain is also styled Emperor of India, but he has no greater political power there than in England. Up to 1858 the governing of India was in the hands of the East India Company, but in that year its governing rights were taken away by Parliament. In England there is a Secretary of State for India, who, with a Council made up mostly of persons who have lived at least ten years in India, has

general charge of Indian affairs. The secretary and the council are all British: the former is a member of the British cabinet. All the principal officials in India, the chief one being the governor-general, are also British; sent out there for the purpose of governing the colony. The army in India is what gives Great Britain its power there: it consists of about 75,000 British and 140,000 native soldiers. Great Britain is introducing voting and self-government in India, in local matters. All over the country there are towns in which the taxpayers are allowed to elect their local officials; and these officials are generally natives.

About three fourths of the population of India is wholly under the government of Great Britain, as described above, the former native governments having disappeared. The remaining fourth consists of native states, still under their native governments (all of them despotic in character), but all of them somewhat under the control of the British government.

#### VENEZUELA

(*Example of a nominal republic, which is really a military despotism.*)

Venezuela has the forms of a federal republic, copied in large measure from our own institutions; but is in reality a military despotism; i.e. with one man in practical control, having an army to support him. The forms of self-government, such as voting, and deliberative assemblies, are carried on more or less completely; but the result is always what that one man, the president, has determined on beforehand, if the matter is of sufficient interest for him to concern himself with it. *The federal legislature*, called the Congress, consists of two houses: the upper, called the Senate, consisting of members elected by the legislatures of the separate states; the lower, called the Chamber of Deputies, elected directly by the people. Each state also has its legislature. All the legislatures pass laws, but when the president wishes to control them, he can; and he often does. *The president* is supposed to be elected by a certain body called the Federal Council, which is itself elected by the federal Congress. But the real way he gains power is very often something like this: Some ambitious politician, a leader perhaps in the legislature, makes some excuse that the president is not rightfully president, or is ruling unconstitutionally; goes to some other part of the country; collects an army from among the people; wins some battles from the president's army; enters the capital, Caracas, in triumph; takes possession

of the government buildings and property; calls himself Military Governor; appoints his chief men to offices, so as to form a body of his own adherents, the adherents of the old president having fled; and finally has the Federal Council elect him president, and the legislature legalize all his acts. That is called a revolution. Between 1890 and 1900 several generals successively made themselves president in that way. There is a written constitution; but when a new man makes himself president, he is quite likely to have it changed. The people are great admirers of military success, so that he has no difficulty in getting his changes adopted. *The parliamentary system* in such a country is of course impossible; for it means an independent legislature. *The local governments*, too, some appointed, some elected, are largely under the control of the central government. *The voters* consist of all males over twenty-one years of age. But it makes little difference who the voters are, inasmuch as they do not exercise an independent judgment.

It is the history of such countries as this, which shows that self-government, to be real self-government, requires a people intelligent, educated, independent, and under self-control. If the Venezuelans would refuse to join insurgent armies, and refuse to be led by the nose, they would soon have real self-government.

#### MOROCCO

*(Example of a half-barbarous despotism.)*

Morocco is an absolute, theocratic despotism. The sultan is head of the state and of the religion, and is more absolute than the sultan of Turkey, or even the czar of Russia. There is no legislature; and no code of laws but the Koran. The sultan appoints governors for the provinces, and removes them when he pleases. There are lower officials of various kinds; but none elected by the people. The lower obey the higher, and all obey the sultan. But as matter of fact, half of the country is occupied by tribes which are virtually independent of the sultan. The sultan is supposed to select his successor; but the actual succession depends more upon who manages to get possession of the hoard of money the old sultan has laid up and hidden away, and upon who receives the support of the black body-guard.

But of governing, in the European and American sense, there is very little in Morocco. Order is not kept: the peasant is obliged to carry a gun when working in the field; in the cities it is unsafe to go into the streets at night without an armed guard. There are no public

schools; no roads or bridges made by government; practically no native post offices; no government hospitals or asylums. The justice that is administered is full of bribery; the punishments are cruel and barbarous. Government in Morocco is, in reality, official plundering and oppression of the people, rather than helping or protecting them. The burden of taxation on the people is heavier than in any civilized country. A governor will cause a man who is known to have money, to be thrown into prison and kept there until he buys himself out. The sultan sometimes treats a governor so. The inhabitants, therefore, consider it a misfortune to be thought to have money, and bury it when they get it. When a province, ground down by unbearable taxation, revolts, the army is let loose upon it, to kill and plunder the people. Europe is, however, acquiring some influence in Morocco, and the sultan is held somewhat in check, especially in the treatment of foreigners living there.

Why do the people allow themselves to be tyrannized over so? Because at present they are incapable of organized resistance; just as sheep are incapable of resisting the shepherd dog. Perhaps, some day, they will learn another way, under the guidance of Europe.

## LAWMAKING: FEDERAL AND STATE

### I. SUBJECTS ON WHICH CONGRESS MAKES THE LAW

1. *Commerce by sea*: whether foreign vessels may trade with this country; whether they may take part in the coast trade; registration of vessels; port duties on vessels; import duties on goods.
2. *Commerce by land between the states*: all commerce when within one state is regulated by that state alone; Congress may regulate it when it takes in more than one state. Under this rule, the only important purpose for which Congress has used the power, so far, has been to regulate railroad charges on railroads which operate in more than one state.
3. *Navigation*: what lights vessels shall carry; when they shall take pilots; the right of way; number of passengers; establishment and care of lighthouses, buoys, and life-saving stations; improvement of rivers and harbors.
4. *Naturalization*: when and how an alien may become a citizen.
5. *Bankruptcy*: when and how a person who can not pay his debts, may obtain a discharge from them.
6. *Money*: the sole right to coin it; to fix the value of foreign money in our money; to say what shall be legal tender.
7. *Post office*: the establishment and maintenance of the post office system; fixing rates of postage; all rules with regard to use of the mail.
8. *Copyright*: the exclusive rights of authors to print and sell their works.
9. *Patents*: the exclusive rights of inventors to make, use, and sell what they have invented.
10. *Courts*: the creating and regulating of United States courts (but the constitution itself says what cases they may hear and decide).
11. *War*: declaring war; granting letters of marque; making rules concerning enemy's property captured in war; raising and supporting armies; providing and maintaining a navy; making rules for the army and navy; granting pensions.
12. *District of Columbia; territories*: full power of legislation on all subjects.
13. *Taxation*: for the purpose of carrying on any of the operations of the national government.
14. *Borrowing money*: for like purpose.
15. *Crimes*: treason against the United States; crimes committed at sea on American vessels; counterfeiting the money or securities of the United States; offenses against the laws of war. Congress can also

enforce any of its laws by punishing disobedience to them as a crime, such as robbery of the mail, smuggling, using the mails to defraud.

## II. SUBJECTS ON WHICH STATE LEGISLATURES MAKE THE LAW

1. *Personal rights*: the remedy when one deprives another of his life, or liberty; the remedy for assault, slander, libel, wrongful arrest, personal injury through negligence, and all the remedies which protect the individual's right to life, liberty, and personal security.
2. *Marriage*: who may marry; what ceremony or license is necessary; the right of wife to be supported; the rights of each in the property of the other; what rights a married woman has to do business or own property.
3. *Divorce*: for what causes it can be obtained; how obtained; whether one may marry again; its effect on property rights.
4. *Children*: the right of minor child to be supported by parent; the right of parent to govern minor child; the duty of child to support parent in old age; who has care of minor's property; the duties and powers of guardians; legal age.
5. *Land and buildings*: the different kinds of ownership in them; how one may use his property, (e.g. how high a building he may put up in a city, thickness of walls, material, etc.); what use a tenant may make of rented property; what rights the landlord has if the tenant abuses the property, or does not pay the rent; the remedy against intruders and trespassers.
6. *Stocks and bonds*: what right they give to dividends, or to vote on the affairs of the company; how they may be transferred from one to another; the responsibility of stockholders and directors.
7. *Legal rate of interest*: what interest one may take; the penalty for taking more.
8. *Deeds*: what makes a deed; whether a seal or witnesses are necessary; how it is to be acknowledged; the effect of recording or not recording.
9. *Mortgages*: the same questions as under deeds; how a mortgage is foreclosed; the right foreclosure gives.
10. *Wills*: who may make one; what one may do by will; how a will is to be signed and witnessed; how changed or revoked.
11. *Descent of property*: to whom the property of one dying without a will shall go.
12. *Trust property*: what property may be held in trust; how long the trust may last; for what purposes; the rights of trustee; the rights of those entitled to the income.
13. *Business matters*: what kinds of business are illegal; which require a license; the rights and powers of partners, of agents, of clerks; the remedies for breach of contract; what agree-

ments must be in writing; the effect of fraud, of negligence; notes, bills of exchange, checks, what they are and all the various rights and obligations they imply. 14. *Debt*: the remedy for the collection of debts. 15. *Corporations*: the creating of all business corporations, such as banks, insurance companies, railways, express companies, and the making of rules for the carrying on of their affairs. 16. *Counties; townships; cities*: creating them, granting and changing their powers and methods of government. 17. *Militia*: the rule under which it is organized and governed. 18. *Courts*: establishing the multitude of state courts, with their powers and methods of procedure. 19. *Public schools*: the systems under which they are provided and supported; compulsory education. 20. *Roads and streets*: the systems by which they are made and kept; rules for their use. 21. *Care of the destitute*: the systems by which they are entitled to relief. 22. *Taxation*: the raising of money for any of the purposes of government, by any kind of tax, except taxes on imports and exports. 23. *Elections*: the conducting of elections; manner of voting. 24. *Crimes*: all the common crimes, such as murder, burglary, arson, robbery, larceny, theft, embezzlement, bigamy, perjury, forgery, bribery, assault, libel, etc.; what the punishments shall be, and all the methods of procedure.

In short it is impossible to give a complete list of the subjects upon which a state legislature may make laws. The rule by which to determine whether Congress or the state legislature has the power is this: If the U. S. constitution gives it to Congress, and Congress has exercised it, then the state legislature has not the power; otherwise the state legislature has the power.

## OUTLINE OF THE UNITED STATES CONSTITUTION

### PREAMBLE.

Objects of the constitution.

### ART. I. CONGRESS.

SEC. 1. Consists of two houses.

SEC. 2. House of Representatives — Election — Term — Qualification — Apportionment among states — Census — Vacancies — Officers — Impeachment.

SEC. 3. Senate — Election — Term — Vacancies — Qualification — Officers — Impeachments.

SEC. 4. Manner of election, etc., of senators and representatives — Annual meeting.

SEC. 5. Membership of houses — Quorum — Adjournments — Attendance — Rules of procedure — Journal.

SEC. 6. Compensation — Arrest — Libel — Other office.

SEC. 7. Revenue bills — Veto.

SEC. 8. Subjects on which Congress may pass laws — Taxes — Borrowing money — Commerce — Naturalization — Bankruptcy — Money — Post office — Patents — Copyrights

— U. S. courts — Piracy — War — Army — Navy — Militia — District of Columbia — Forts, etc.

SEC. 9. Prohibitions on Congress — Slave trade — Habeas corpus — Bill of attainder — Ex post facto law — Direct tax — Export tax — Ports — Appropriations — Title of nobility.

SEC. 10. Prohibitions on the states — Treaties — Letters of marque — Money — Bill of attainder — Ex post facto law — Law impairing obligation of contracts — Customs duties — Army — Navy — War.

### ART. II. PRESIDENT.

SEC. 1. Term — Electors — Qualification — Death, resignation, etc., of president — Compensation — Oath.

SEC. 2. Commander in chief — Opinion of head of department — Pardons — Treaties — Appointments.

SEC. 3. Message — Extra sessions — Reception of ambassadors — Commissions.

SEC. 4. Impeachment.

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### ART. III. U. S. COURTS.

SEC. 1. Supreme Court—Other courts — Term of office—Compensation.

SEC. 2. Classes of cases that U. S. courts may try—Jurisdiction of Supreme Court—Jury trial—Place of trial.

SEC. 3. Treason.

### ART. IV. RELATIONS OF THE STATES.

SEC. 1. Public records.

SEC. 2. Rights of citizens of one state in another—Fugitive criminals—Escaped slaves.

SEC. 3. New states — Territories — Guaranty of republican government — Invasion of states.

### ART. V. AMENDMENT OF CONSTITUTION.

### ART. VI. GENERAL.

Debts of confederation — Supremacy of constitution — Oath to support it—Religious test.

### ART. VII. ESTABLISHMENT OF CONSTITUTION.

#### AMENDMENTS.

- I. Freedom of religion, speech, press, assembling, and petition.
- II. Right to keep arms.
- III. Quartering of soldiers in private houses.
- IV. Search and seizure of property.
- V.,VI. Criminal procedure — Compensation for private property taken.
- VII. Jury trial.
- VIII. Excessive bail—Unusual punishment.
- IX. Rights not named in constitution.
- X. Powers not delegated to the United States.
- XI. Suit against state.
- XII. Election of president.
- XIII. Slavery abolished.
- XIV. Equal rights of citizens—Apportionment of representatives — Apportionment when right to vote is limited—Rebels ineligible to Congress —War debts.
- XV. Race and the right to vote.

## **CONSTITUTION OF THE UNITED STATES OF AMERICA**

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WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

**ARTICLE I. SECTION 1.—1.** All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**SECTION 2.—1.** The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

## CONSTITUTION OF THE UNITED STATES 277

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.—1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.—I. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.—I. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—The Congress shall have power—

I. To lay and collect taxes, duties, imposts, and excises, to pay the debts and

provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;
  3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
  4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
  5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;
  6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
  7. To establish post offices and post roads;
  8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
  9. To constitute tribunals inferior to the Supreme Court;
  10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
  11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
  12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;
  13. To provide and maintain a navy;
  14. To make rules for the government and regulation of the land and naval forces;
  15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
  16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;
  17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,
  18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.
- SECTION 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or

duty may be imposed on such importation, not exceeding ten dollars for each person.<sup>1</sup>

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II. SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

*Clause 3 has been superseded by the 12th Article of Amendments.*

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

<sup>1</sup> This clause permitted the slave trade up to 1808. Congress then forbade it.

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5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2.—1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the Courts of law, or in the heads of Departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.—He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such

time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.—The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. SECTION 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.—1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. SECTION 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who

shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.<sup>1</sup>

SECTION 3.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing Amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

<sup>1</sup> When the Constitution was adopted, this meant, principally, fugitive slaves.

ARTICLE VII.—The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.<sup>1</sup>

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#### AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

<sup>1</sup> The Constitution was ratified by all the states, 1787-1790.

**ARTICLE X.**—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.<sup>1</sup>

**ARTICLE XI.**—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.<sup>1</sup>

**ARTICLE XII.**—The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.<sup>1</sup>

**ARTICLE XIII.**—1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.<sup>1</sup>

2. Congress shall have power to enforce this article by appropriate legislation.

**ARTICLE XIV.**—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which

<sup>1</sup> Articles I. to X. were adopted in 1791; XI. in 1798; XII. in 1804; XIII. in 1865.

shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.<sup>1</sup>

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.<sup>2</sup>

ARTICLE XV.—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.<sup>2</sup>

<sup>1</sup> Congress has removed practically all such disabilities arising from the War of 1861.

<sup>2</sup> Article XIV. was adopted in 1868; XV. in 1870.

## **OUTLINE ABSTRACT OF THE CONSTITUTION OF PENNSYLVANIA**

*(Example of the Contents of a State Constitution.)*

### **I. CERTAIN FUNDAMENTAL RIGHTS. (BILL OF RIGHTS.)**

*Freedom and Equality.* All people declared free and equal (no slavery or titled classes). All have by nature the rights to life, liberty, property, and freedom of action, and no one can take them away.

*Source of Power.* The people declared to be the source of all power: can alter their government as they choose. Government instituted solely for their benefit.

*Religious Liberty.* Every one to have the right to believe and worship, or refrain from worship, as he chooses. No preference to be given by the law to any denomination over another.

*Elections* to be free and equal.

*Trial by Jury.* Every one to have the right to a jury trial, in cases where it now exists: but parties may, in civil cases, dispense with it by agreement.

*Freedom of Speech*, and of the press. Every one to have the right to speak, write, or print anything he chooses; but if he says something false and malicious about either a private person or a public official, he may be sued by the person injured.

*Searching and Seizure* of private property,<sup>1</sup> and arrest. To be allowed only after the issue of a warrant by a court, describing the property to be searched or seized, or the person to be arrested, and supported by the oath of somebody, showing some good grounds of suspicion.

*Criminal Proceedings.* The accused to have the right to have counsel to defend him, to know before his trial what he is accused of, to be present at his trial, to compel the attendance of witnesses, and to have a speedy public trial, by an impartial jury of the neighborhood. He can not be compelled to testify himself. If acquitted, he can not be tried again for the same offense. Excessive bail not to be required. Bail to be allowed in all cases except those punishable

<sup>1</sup> To find evidence of crime, for example.

by death. Excessive fines, and cruel punishments, forbidden. The right of an arrested person to apply to a court immediately, to decide whether his arrest is legal (*habeas corpus*), not to be suspended, except in case of rebellion or invasion.

*Crimes.* No law to be passed making anything a crime, or increasing the punishment for a crime, so as to apply to acts already committed (*ex post facto* law). No crime to be punished by a special act of the legislature (bill of attainder), but through the courts. No conviction for crime to make the criminal incapable of inheriting property, or transmitting it by inheritance (corruption of blood); and if the criminal's property is forfeited to the state, such forfeiture to last only during his life.

*Arbitrary Action of Government.* No person to be deprived of his life, liberty, or any of his property, even as a punishment, except in some regular method, laid down beforehand by law, applicable to everybody, and after a regular trial.

[This is government by law, not by the arbitrary will of government officials.]

*Private Property Taken* by government for public use. Can not be taken without the authority of law, and must be first paid for.

*Courts Open* to all, for defense of rights.

*Contracts.* No law to be valid which releases one from carrying out a contract already made.

*Special Privileges*, granted by the state to particular persons, can not be made irrevocable.

*Suicide's Property* to be distributed as in case of natural death.

*Political Meetings.* People to have the right to hold political meetings, and to present petitions to the government.

*Arms.* No law to be passed forbidding the people to keep arms.

*Standing Army.* No standing army to be kept up, in time of peace, without the consent of the legislature.<sup>1</sup> The military to be at all times subject to the civil power.

*Quartering of Soldiers* in private houses, without the owner's consent. Entirely forbidden in time of peace; in time of war, it must be in some regular method, laid down by law.

*Title of Nobility*, not to be granted.

*Emigration* from the state, not to be prohibited.

[It will be noticed that some of the above are repetitions of provisions of the United States constitution, or its amendments. As the first eight amendments to the United States constitution apply only to Congress, and therefore do not prevent state laws which violate

<sup>1</sup> And of Congress. (See p. 280.)

the rights mentioned, similar provisions were inserted in the state constitution, in order to protect the citizen against his state government. But, on the other hand, you will find some things directly forbidden by the United States constitution to the states (e.g. granting titles of nobility); such provisions it was really unnecessary to repeat in the state constitution.]

## II. THE LEGISLATURE.

*General Assembly*, the name of the legislature. Consists of two bodies, the Senate and the House of Representatives. Members of both elected by the people.

*Number of Members*. Senate to consist of fifty members; House of Representatives of about two hundred members. General Assembly, after each United States census, to divide the state into districts, approximately equal in population, for the election of senators and representatives.

*Terms*. Senators elected for four years; representatives for two years.

*Sessions*. General Assembly to meet on first Tuesday of January biennially.

*Qualifications*. Senators to be at least twenty-five years of age; representatives at least twenty-one. To have been citizens of the state four years, and inhabitants of their respective districts at least one year.

*Other Office*. No member of the legislature to hold any other civil office under the United States or the state.

*Salary* of legislators, to be fixed by the legislature: any law increasing their salaries to apply only to future terms.

*Presiding Officer*. Senate to choose at each biennial session a president *pro tempore*, to preside in case of absence of lieutenant governor: House of Representatives to choose a speaker.

### *Proceedings in Each House:*

Each house to choose its own officers:

Each house to have the right to decide who was elected to it:

A majority of those elected, to constitute a quorum to do business, in each house: a smaller number may adjourn from day to day:

Each house to make its own rules of procedure:

Each house may punish its members for disorderly behavior, and (with the concurrence of two thirds) expel a member:

Each house to keep and publish a daily record of its proceedings:

The yeas and nays (i.e. the vote of each member) on the final passage

of every bill, and also, if two members demand it, on any question, to be recorded:

The public to have the right to be present, in either house, except when the public welfare requires secrecy:

Neither house to adjourn without the consent of the other, for more than three days:

A legislator never to be sued for anything he says in the legislature, true or false:

Every bill to be referred to a committee, printed, and read in the house on three different days:

All bills, to pass, must be voted for by a majority of the members elected to each house:

All bills for raising revenue to originate in the House of Representatives.

*Local or Special Law.* The legislature forbidden to pass any local or special law on certain subjects, such as the following:

Regulating the affairs of a particular county or city:

Laying out a particular road or street:

Establishing a certain ferry:

Changing the county seat, or the boundaries, of a particular county:

Incorporating a particular city or village:

Regulating the management of certain public schools:

Creating a particular corporation:

But the legislature may pass general laws, applicable to the whole state, on these subjects.

[For example. If the General Assembly should pass an act saying, 'A, B, C, and D are hereby appointed commissioners to lay out a road between the towns X and Y, and \$50,000 is hereby appropriated from the treasury for the purpose,' such act would be void: but it can pass a law providing the method to be followed when the people of any township or county wish a particular road laid out. The General Assembly can not pass a law saying, 'The following persons . . . are hereby incorporated under the name of the . . . Bank': but it can pass a law saying 'Any five persons may form themselves into a bank, by doing as follows, etc. (describing the steps to be taken).']

*Bribery*, of members of the legislature, or acceptance of bribes by them, defined and punishment provided for.

*Impeachment.* All civil officers subject to impeachment for misdemeanor in office: House of Representatives to make the impeachment: Senate to try it: the punishment to be removal from office and disqualification to hold any office thereafter; but if the act is a crime the person may also be indicted, and tried and punished by a court.

## III. THE GOVERNOR, AND OTHER STATE OFFICERS.

*Governor* to be elected by the people every four years: can not be elected two terms in succession. No one to be eligible except a citizen of the United States, at least thirty years of age, who shall have lived in the state the last seven years.

*Lieutenant Governor*, to be elected by the people every four years, to serve as presiding officer of the Senate, and in case of governor's death or resignation, to become governor in his place. Has no vote in senate, except in case of a tie. Qualifications, same as with governor.

*Powers of Governor:*

- To be commander in chief of the state troops, navy, and militia:
- To appoint (with the consent of two thirds of the Senate) the Secretary of the Commonwealth, Attorney-General, Superintendent of Public Instruction, and such other officials as the legislature may provide to be appointed by him: also the power temporarily to fill vacancies, as by death or resignation, in many offices:
- To remove any elected official, except lieutenant governor, members of the legislature, and certain judges, on request by two thirds of the Senate:
- To grant pardons, reprieves, and commutations of sentence: pardons and commutations to be first recommended by certain other state officials, after a hearing:
- To call the General Assembly, or the Senate, together, in extraordinary session:
- To veto any bill passed by the legislature; but if afterwards approved by two thirds of each house, it becomes law in spite of the veto:
- To disapprove of any particular item of an appropriation bill.

*Other State Officers* provided for. A Secretary of the Commonwealth, to keep a record of certain state proceedings. A Secretary of Internal Affairs, with such duties relating to the corporations, charitable institutions, and industries of the state, as the legislature may give him. An Attorney-General. An Auditor-General. A Superintendent of Public Instruction. A State Treasurer. The Secretary of Internal Affairs, Auditor-General, and State Treasurer to be elected by the people; for four, three, and two years respectively.

## IV. COURTS.

*The System* of state courts provided for ; consisting of one Supreme Court [to hear appeals]; courts of common pleas [for civil cases]; courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace [for criminal cases]; orphans' courts [for cases relating to estates of deceased persons]; justices of the peace [for cases involving not over \$300]; and magistrates' courts in Philadelphia [for cases involving not over \$100].

*Election.* Judges of the courts named above to be elected by the people, for various terms, from five to twenty-one years.

*Residence.* Judges to reside within the districts for which they are elected.

*Vacancy.* When a vacancy occurs by death or otherwise, the governor to appoint some one to fill it temporarily, until another election is held.

*Uniform Laws.* All laws relating to courts to be general, and of uniform operation.

## V. VOTERS AND ELECTIONS.

*Voters* to consist of all male citizens, twenty-one years of age, who shall have been citizens of the United States at least one month, shall have resided in the state at least one year, and in the election district in which they offer to vote at least two months, and (if twenty-two years of age or over) shall have paid a state or county tax within two years.

*Election Day.* General election day (until legislature changes it) to be the Tuesday following the first Monday in November, each year. Election day for city, ward, borough, and township officers, to be the third Tuesday of February.

[This is in order to keep party politics, which usually accompany general elections, out of local elections.]

*Ballot.* All elections by the people to be by ballot, or by some other method allowing a man to keep his vote secret.

*Bribery of Voter* forfeits the right, both of the voter and of the briber, to vote at that election. Bribery by a candidate for office disqualifies him forever from holding office, and for four years from voting.

*Election Officers.* Inspectors and judges of election provided for, to take charge of elections ; to be elected annually by the people in

the various districts. No public official (with certain exceptions) to serve as election officer. In addition, the courts of common pleas may appoint two overseers of election, for any district, members of different political parties, with power to supervise the proceedings at an election.

*Registration.* The General Assembly permitted to provide registration laws for cities only.

#### VI. AMENDMENT.

Amendments to the constitution may be made by being passed by two successive legislatures, and then approved by the people at an election. Proposed amendments to be published in the newspapers.

#### VII. MISCELLANEOUS PROVISIONS.

*Removals.* Officials appointed to office may be removed at pleasure by those who appointed them, except judges of higher courts and the Superintendent of Public Instruction.

*Oath of Office.* Each member of the legislature, every judge, and every state or county official, before entering on his duties, to take an oath that he will support the constitution of the United States, and the constitution of the state, and will discharge the duties of his office faithfully, also that he has not procured his office by bribery or violated the election law, and that he will not allow himself to be bribed.

*Taxes.* Every tax to be uniform, upon the same class of subjects. The legislature may exempt from taxation, public property used for public purposes, places of religious worship, public cemeteries, and institutions of purely public charity.

[For example, state houses, court houses, prisons, churches, and cemeteries, asylums and hospitals when not operated for a profit.]

*Debt of State.* No permanent debt of the state to be created in the future, except for the purpose of defense in case of war or invasion or in suppressing insurrection. But the state may borrow temporarily, up to a million dollars, when taxes fail to come in fast enough to pay current expenses. The state not to assume any debt of a city, county, borough, or township, unless incurred to enable the state to repel invasion, suppress insurrection, defend itself in time of war, or to assist the state to pay its debts.

*Limit of Debt of County, City, etc.* The total debt of any county, city, borough, township, school district, or other municipality, or

incorporated district, not to exceed seven per cent of the valuation of the property within it, as assessed for taxes.

*Aid to Private Enterprises.* Neither the state, nor any county, city, borough, township, or incorporated district, to aid financially any private enterprise.

[For example, by investing in the stock or bonds of a new railway company, or guaranteeing its bonds.]

*State Money* not to be paid out of the state treasury, but by order of the legislature (appropriation).

*Public Schools.* The legislature to provide for the maintenance of public schools, for the education of all children over six years of age. No money raised for public schools to be used for any school under the control of a religious denomination. Women may be school officials.

*Militia.* The legislature directed to provide for organizing and maintaining the militia.

*Duelists* deprived of the right to hold office.

*Criminals* convicted of infamous crime, to be incapable of holding office.

*Counties.* No new county to be formed which shall reduce any county to less than 400 square miles, or to less than 20000 inhabitants, or be less than that itself.

*County Officials.* Each county to have a sheriff, coroner, prothonotary (i.e. clerk), register of wills, recorder of deeds, three county commissioners, a treasurer, a surveyor, three auditors, clerks of the courts, and a district attorney ; to be elected by the people, for three years.

*City* may be created out of a town or borough, when it contains at least 10000 population, and a majority of the voters assent thereto at a general election.

*Private Corporations.* There are various provisions relating to all private corporations, limiting their rights in certain cases, the general purpose being the protection of the public against fraud, or undue advantage. There are a number of special provisions also, of like nature, relating to railroad companies and canal companies.

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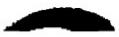
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